

British Colonies vol 3.

THE
O P I N I O N S
O F

Mr. JAMES EYRE, Mr. EDMUND HOSKINS, Mr.
E. THURLOW, and Mr. JOHN DUNNING, K

ON THE SUBJECT OF
LORD CLIVE'S JAGHIRE.

TO WHICH ARE ADDED,
HIS LORDSHIP'S LETTER
TO THE
P R O P R I E T O R S
O F
E A S T - I N D I A S T O C K.

WITH THE
A N S W E R
O F A N
E M I N E N T C O U N C E L L O R

To his LORDSHIP'S LETTER;

Likewise addressed to the PROPRIETORS on the
same Subject.

L O N D O N:
Sold by T. EVANS, at No. 54, Paternoster-Row.

1764



MR. JAMES EYRE'S
O P I N I O N
UPON THE
EAST-INDIA COMPANY'S
CASE WITH LORD CLIVE,
RELATIVE TO HIS
LORDSHIP'S JAGHIRE.

THIS is a very new and a most extraordinary case. I have taken all the time that could be allowed me to think of it. My opinion upon the merits of this case, as they appear in the bill and answer, is that the title set up by the Plaintiff is such as neither the Court of Chancery, if it had jurisdiction, nor any other Court of civil judicature, upon the face of the earth can admit of. The constitution of the Mogul Empire must decide upon the Plaintiff's claim, as stated by the bill, wherever it can be disputed; and that constitution allows not of alienation of the imperial rents by a Subah for any purpose whatsoever. As the cause now stands, I apprehend that the bill must be dismissed for want of a title in the Plaintiff, and for want of jurisdiction in the court.

I am inclined to think that the Plaintiff's true title is the Sword; but this he could not rest upon, because the benefit of it in that case, must go, according to the law of nations, to those whose sword it was.

If, according to the constitution and municipal laws of the Mogul Empire, a Subah's grant was valid against both him and the Mogul, it would remain a question between the Plaintiff and the Company, who should

have the benefit of it; and I am of opinion that the Court of Chancery would not hesitate to pronounce, that a servant, having the care of the Company's affairs in Bengal, and armed with their power, acquiring by means of that power the grant of a lordship of lands held by the Company, and of a large revenue issuing out of these lands; acquired it for the Company, and not for himself. The Company were in a state of Vassallage to the Mogul, in respect of the territory which the Plaintiff had procured for them, and which it may be remarked the Subah has power to grant, though he has no power to grant the imperial rents. If it was practicable to relieve them from it, it was the Plaintiff's duty to procure them that relief. If the grant is considered as a trust for the Company, they are relieved; if not, they only change their master and become vassals to their own servant. The court of Chancery would not endure that a servant should thus take care of himself at the expence of the Company.

The pretended attornment set up by the bill, makes against the Plaintiff; he was himself President when the rents were apportioned and the payments regulated. The payments made to his Agents after he left India, will weigh very little in such a case. The time the Company took to deliberate upon this great question, the distance and difficulty of communication considered, was not unreasonable; and the not stopping the payments till they had well considered the matter, certainly does not make against the Company.

It does not appear by the answer; but I take it to be clear, that the Company's charter excludes all persons from acquiring property, &c. in India without their consent: this will have great weight in the argument, and should be made a part of the case,

Middle Temple
May 1, 1764.

JAMES EYRE.

MR.

MR. H O S K I N S's
O P I N I O N
ON THE
EAST-INDIA COMPANY's
CASE WITH LORD CLIVE.
RELATIVE TO HIS
LORDSHIP's JAGHIRE.

THIS case is very uncommon, and is attended with some difficulties. But, supposing the facts contained in the defendant's answer, can be proved, and particularly the account given therein of the nature and tenure of the lands granted to the Company, the deposing of the Nabob Meer Jaffier and the succession of a new Nabob, I am opinion that the grant to Lord Clive, supposing it to have been originally good and legal, and regularly made, is now become invalid; and that either the Great Mogul or the succeeding Nabob became intitled to the rents now claimed by Lord Clive from the East India Company, and that therefore his Lordship has no right to these rents.

I am also of opinion that the court of Chancery here, has no power to determine this question concerning Lord Clive's demands, as the same is not of a personal nature, but one for rents arising out of lands in India (the royalty of which is by the bill, charged to have been granted by the late Nabob to the plaintiff,

Lord Clive, during his life) and therefore ought to fall under the jurisdiction of the courts of the Great Mogul of whom the lands are held.

And therefore I think that it is by no means safe or prudent for the East India Company to pay any more money in consequence of the grant to Lord Clive, till the hearing of this cause; which cannot be till it is regularly set down after the return of one or more commissions for examining witnesses in India, touching the matters contained in the Company's answer; and particularly as to the validity and effect of the grant to Lord Clive.

I am also of opinion that if the court of Chancery should make any decree in Lord Clive's favour, with respect to the rents reserved, yet considering the uncertain and precarious title which his Lordship may have to those lands or rents, he ought to be directed to give good security for such rents as have been paid by the Company to his use, or as shall be paid for the future, under such decree, during the time the Company are in the peaceable possession of such lands.

Lincoln's Inn
Nov. 16, 1763.

EDMUND HOSKINS.

MR. E. THURLOW'S
O P I N I O N
O N T H E
EAST-INDIA COMPANY'S
CASE WITH LORD CLIVE,
RELATIVE TO HIS
LORDSHIP'S JAGHIRE.

I AM of opinion, that the locality of the subject in dispute, which is territorial dominion, and magisterial rank in the Empire of Hindostan, is a direct and everlasting bar to the jurisdiction of the English Chancery; not meerly because the subject lies out of the reach of their process, but because it lies within the full and absolute jurisdiction of another imperial crown.

That meer and single circumstance, "That the land lies out of process," raises in my mind no sort of objection to the proceeding of the court, because while the defendant resides within the realm of England, and so within reach of its process, he may be compelled by that court to discharge his conscience, in respect to every kind of contract in which he has bound it. The only serious difficulty which I have seen opposed to this extensive claim of jurisdiction, has been such as sprung from the nature of the subject in question, and from a suggestion, that it was bound by different laws and rules of justice from those practised in England, and which the Chancellor could neither take notice of here, nor controul there. To avoid this objection, in the case of Ireland, the court argued that it was a conquered country, a member of, and subject to the government of England; that appeals lay from thence hither, and so notice might be taken here of their laws. Nay, in other con-

quered provinces, and even in realms descended to his Majesty by relation of blood, it may with some tolerable countenance be insisted, that the keeper of the royal conscience may find real rights, though not by direct process, yet by compulsion, upon the persons of his subjects found within this realm of England.

Beyond this perhaps it is easy to put cases of personal contracts, in which the court would receive evidence of the laws and customs of a country, quite foreign and independant, in order to explain the terms and force of such a contract; because such contracts are in a peculiar and very proper sense said to follow on the person, and the execution of them must move and be obtained from the person.

But if the contract were concerning a real subject, always extant in a foreign independant country, always in the actual disposition of their justice, I should think the English court of Chancery ought not to interpose in it. *First*, in respect of the relative inability and incompetence of the court, it is extremely difficult for the greatest scholar, merely by reading, to have that expertness in the laws of a foreign country, which every citizen hath in his own. The greatness of this difficulty is exceedingly manifest in the works of the most eminent scholars in other parts of Europe, who have taken occasion to treat of our laws and customs; and yet they are written and stand much commented upon in books. Here the Chancellor is supposed able to make himself a compleat judge of an unwritten law, merely by hearing evidence concerning it in the course of one cause. *Secondly*, in respect of the absolute inability, and direct incompetence of the court, the subject itself remaining in the disposition of a tribunal, over which he has no sort of controul, may be disposed one way there, while he is compelling the party to dispose it another way here, and all the inconvenience would result of clashing jurisdictions.

Now supposing that according to the constitution suggested for Hindostan by Lord Clive, contrary to every history, the Nabob of each province had in him, imperial and sovereign power, and hereditary esta-

establishment therein, notwithstanding the Emperor's treasury, courts of justice, Duannee judges, and other ministers have their officers there; and supposing the zemindars possessed their lands by rules of a known law, and in perfect security, notwithstanding the Nabobs and Omrahs have power, as the bill insists, of taxing their zemindars as they please; and supposing the several instruments, and the whole deduction of the plaintiff's title to be made out in a more unexceptionable manner than it is alledged; I am still (with great reservation of deference to better judgments) of opinion, that the court of Chancery here cannot strip a rent of that relation which in point of title it bears to the land, so far as to decree upon it, any more than an action could be maintained here for the use and occupation of lands in France. I think it would be unequal, if the plaintiff were put to sue in the Mayor's court of Calcutta, and the court itself seems to be as incompetent as any court here; and for the same reasons, both parties are, with respect to the matter in question, subjects of the great Mogul, and his court will decide between them with as much indifference as between any other subjects. The Cazy of Dehli seems to be the only competent judge on earth of this question, unless the relation it bears to the Emperor's treasury makes it fitter for the chief Duan to decide.

But in the foundation of Lord Clive's claim, taken upon the bill and answer, it is very difficult to discern any traces of title, which a court, proceeding in the most untechnical way, upon the first and most open principles of justice could find to take notice of.

He gives himself general colour, and in an indefinite manner, seems to put his capacity of receiving a jaghire upon his title to nobility in Hindostan. The defendants close with his Lordship there, and insist more expressly than he had done before, that such nobility is the only capacity for that purpose: his own letters and conduct afford strong ground to suspect, that at the date of the pretended Sunnud, he was not an Emir or Omrah.

The bill alledges, that a jaghire is the necessary consequence of a Munsub, which the plaintiff insists

is a kind of warrant to the Nabob, authorizing and requiring him to grant a Sunnud and Perwannah for the jaghire; and yet others whose Munsubs are less exceptionable, have experienced no such consequences, and the form of his intercession with the court of Muxadavad, proves that was not his intention then. Besides which other allegations in the bill, every article of his own conduct, and every history of the country prove, that the crown rents are still in the Great Mogul, collected by his Vakeels, assisted by the force of the Nabob, and exacted by his force; therefore they must flow from him only, and there is nothing throughout the whole bill to support so extraordinary an implication as is now contended for.

But to save all difficulties of this kind, the bill alleges, that the Nabobs have lately usurped throughout the provinces of Bengal, Bahar, and Orixia, and are now in the possession of the calsa lands, and consequently have interest sufficient therein to make them jaghire; but it doth not insist that there hath been any formal or acknowledged change in the constitution of the empire. On the contrary, it states the form of the Mogul authority to be still subsisting, and only waiting till superior force may either confirm the Great Mogul in the absolute possession of his rights, or totally deprive him of them.

Whether this usurpation be still fluctuating upon the unsettled condition of this barbarous country, or whether the old constitution of the empire be still subsisting, and not without vigour, as the answer insists, and the plaintiff's letters seem to evince, the ground of this claim supposes a legal transmutation of possession, and a court of justice can take notice only of what the laws of the country, alledged and proved, demand; by which it seems admitted on all hands, the plaintiff has no claim, because it seems admitted, that the calsa lands were in the Great Mogul, and it is not alledged in what manner they are taken out of him, neither is the present title in any manner derived from him.

The answer insists, that it ceased with the life of Meer Jaffier. I confess freely I don't understand that. I cannot discern in any part of the case, as stated

stated to me, a ground of title which can give a just commencement to an estate determinable with the life of the Nabob. And if it be considered, as I think it, mere usurpation by the hand of force, participated with his auxiliary, it will fall under the same consideration as the rest of the plundering and fraud committed by the Europeans there: this makes an history not very fit or decent to be discussed by a court of justice in a civilized country.

The answer likewise insists, that an English subject, and a servant of the East-India Company, could not accept such a grant: now supposing the government of Hindostan, a regular constitution of vigorous and effectual operation throughout all the members of that great empire; the Company are subjects of the Great Mogul, and owe him local allegiance; and Lord Clive, by accepting nobility and magistracy, only undertakes to execute those laws, which he and the rest of the Company were before bound to observe. This, and the objection mentioned immediately before, seem to spring from a recollection that in fact this great country is a scene of utter confusion, quite void of order and law, which brings the whole to that which I take to be the true question; a question upon the rights of war, as war is practised among savages, a squabble about plunder.

Hitherto I have forced myself to consider this case upon these faint lines of justice, which are suggested by the bill, and have received so much countenance from the answer, as to be contested and debated. They are indeed suggested by the bill, but very poorly supported; the real confusion of the country is too visible throughout. However, giving all the circumstances insisted upon, the fullest weight which imagination can give them, I am still of opinion that the claim, made by Lord Clive hath no foundation in any idea of justice; and that, if it had, no court of this country can decide upon it.

But the question seems still further out of the reach of our laws, and the rules of private justice.

The subjects of the present dispute are a title to nobility, territorial dominion, and a stipendiary revenue, in a country where there are no traces of

a municipal law, or general justice; or at least, where those principals have no practical or effective vigour: Power and property are the temporary creatures of superior force; liberty and security of possession are quite unknown among any but the Gentoos; and the protection afforded them, is but a strain of barbarous policy in use among the Moors, in order to make the country worth usurping.

The Moors have at this time not even the right of conquest over Hindostan, as that, the most barbarous of rights is understood in Europe. Many great tracts comprising considerable Rajaships, are still totally independant, especially towards the North, and among the mountains; particularly those on the Eastern side, and many other great Rajahs, have no mark of dependance except a tribute, which they pay or withhold, as the armies of the empire are near or removed, disengaged or embroiled, with intestine feuds. In other parts, by force; in others, by fraud. The Rajah and Polygar-families are destroyed; and the Zemindars are their immediate tributaries. This hath happened chiefly in the most open, softest, and consequently the richest countries. In some few of the last countries, the ancient tributes only continue to be paid; but in most, the Zemindars suffer rapacious and arbitrary exactions. In all, the stipendiary payments forced by the Moors, bear no proportion, but to the power and opportunity of oppression. The more warlike nations of the Indians deal with the Moors in the same manner.

The Marrattas in the North and in the East of Hindostan, demand from the whole empire, and exact from such members of it as they can harass, a tribute which they call a chout. The Moors, for want of a settled and quiet establishment, do not encrease by propagation, in a climate of all others the most adapted to it, but are continually wearing out by their excessive and debauched luxury: and by war and by intestine treachery, they are as continually supplied by the neighbouring Tartars of all denominations. The Mogul, their acknowledged Emperor, sends vast armies of them, all mercenaries, far and wide,

wide, under his Nabobs, Soubahs, and officers, to exact tribute, and to rule in their barbarous, rude fashion, this not half-conquered country among themselves. There is neither civil order nor military discipline, and consequently, no common political object. Every individual is occupied upon the foulest purposes, thinly covered with rude and inartificial dissimulation. A weak Viceroy is soon displaced by intrigue and strangled; an able one struggles to shake off the Mogul. If the Mogul be weak, indolent, or absorbed in vice, the Viceroy is independant: a reverse of these characters restores the vigour of the empire, for a time, and the tributes go to Delhi again. Towards strangers they are neither bound by humanity, general justice, or the faith of treaties. They have no complement of law, but the Koran; which is too loose, general, and desultory, to deserve the name of a political institution: even that is corrupted, and the man of power construes it as he pleases.

The Europeans began their trade there in factories; the best, because the cheapest way of trade, if it could have been secure. How insecure these were in a country of no public moral or faith, the history told by the bill evinces. Their defence made an expensive force necessary. In a war amongst the nations of Europe, even that, proved too little; and the prodigious force now employed in the necessary defence of the trade of Hindostan, could not be supported by the proceeds of that trade to the Company. Force, the bill informs, procured them a great extent of territorial dominions: procured from the Moors, territorial dominion over the native Gentoos. This, it is well known, they hold not under the religion of public faith, but under the countenance of the same force which procured it.

Upon this bottom, they traffic along both coasts of Hindostan, and a great way into the country, with many immunities from tolls and other impositions. Their place, which is of the last consequence to trade, the only real interest of the Company, they hold ostensibily and avowedly, on the terms of paying this
tribute

tribute to the great Mogul, which Lord Clive now claims. Suppose the Mogul or his Vizier should come down with a royal army to claim his tribute; will the contents of this flimsy bill in the English Chancery, be an answer to those merciless plunderers who are known to govern themselves by no law human or divine? And if they must be answered by force, What obligation binds the Company to wage war for Lord Clive's Jaghire? If the Company could have been made secure otherwise, Lord Clive ought not to have bound them to such a stipulation; if they could not, how does he propose to insure them?

But consider this in a larger way.—

Consider the Company as placed on a small spot of ground, among a people with whom they are not connected in political society; among a people so savage, that they cannot be leagued with them in any certain place, under the law of nations, their only real relation being that of fear, force, and reciprocal interest: in how many different ways is this connection, of which the stipend is but one, among many articles, liable to be broken?

Suppose the Mogul or Nabob, or some independant Rajah, lawless ravagers, should see these lands as cultivated under Europeans, an object of their avarice: Suppose the same men, arbitrary princes, should think to reduce the English to the condition of their Moorish subjects: terms impossible for free men. A war ensues. Will the Chancellor by his order, of permanent effect in this settled peaceful country, compell the Company to go on paying a tribute to Lord Clive, which the law of nations (the only law by which it may be claimed) will not compell them to pay to his pretended sovereign? In how many different ways is such a connection liable to be varied and modified by accidental events which have no relation to the original treaty? Shall the Company be tied down to a certain invariable tribute, instead of being left at large to profit of events as they arise, and deal to the utmost advantage with their capricious enemies?

In short, the terms of such an intercourse as this, while it continues, depend upon force for their
con-

continuance; and the questions upon which it breaks must be decided by the sword. The subject matters of this kind of convention between independant nations, can be submitted to no tribunal but that which decides the events of war, and decrees victory.

From what I have already said, it follows by necessary consequence, that, in my opinion, the Directors are not only justified, but according to my ideas of the nature of trust, they were bound in duty to withhold the payment of this tribute to Lord Clive. It follows also, that Lord Clive is their debtor for so much of it as he hath already received, as being received quite without consideration, and under a mistake. Some circumstances go far to evince that the mistake rested principally with Lord Clive, who was their president at Calcutta, and not only apportioned the revenues between the Nabob and Mr. Clive, but paid them as president of Calcutta, to Mr. Clive in his private capacity. Then the mistake devolved to Lord Clive's agent, Mr. Vansittart, who likewise succeeded him in the Company's service; here it hath neither been adopted nor rejected, but hath been preserved in pure deliberation and perfect suspense. However, supposing it as I do, to have been a meer mistake; if it had been adopted here, the defendant could not serve himself of it to retain the money so paid; and I think the Company should file a cross bill for that money immediately, and take the earliest opportunity of learning from Lord Clive, on his oath, what are the true state of the facts, as he means to rely upon them? They should likewise use the most speedy diligence in Hindostan, not only to fix by evidence the state of the public acts at Dehli and Muxadavad, as they are, and have been, for these four years last past; but they should prevent, if possible, any new instrument from being introduced there; for though the manners of nobility in this country are exceedingly pure, and abhorrent of all uncandid practices, all the Moors, who must be his Lordship's agents, know no object but their interest, and no rule of conduct but deceit.

Fig-tree Court, Inner Temple,
Monday, December, 1763.

E. THURLOW.

MR.

MR. JOHN DUNNING'S
O P I N I O N
ON THE
EAST-INDIA COMPANY'S
CASE WITH LORD CLIVE,
RELATIVE TO HIS
LORDSHIP'S JAGHIRE.

I HAVE given this case the best and fullest consideration I am able, and I am most clearly of opinion, that the claim has no foundation in the Mogul constitution; is highly prejudicial to the interests of the Company; contrary to every idea of the duties of the relation the plaintiff bore to the Company; and that his Lordship's pretensions (if the court had jurisdiction, which I think it has not) are not to be supported upon any principles of municipal law or natural justice. As to the latter part of the question, if the suit should be persisted in, the Company has nothing more to do than to prove such of the circumstances insisted on in their defence, as are not admitted in the bill.

Middle Temple
April 30, 1764.

J. DUNNING.

LORD CLIVE'S
ADDRESS
TO THE
PROPRIETORS
OF
EAST INDIA STOCK.

First Published in 1764.

THE last Election of the India Directors drew many unjust attacks on my character; and it is probable, I may be censured by some, for having suffered such reports as were spread against me during the contest to have remained so long unanswered; but knowing, that even the authors of them could not themselves believe them; and conscious to myself, that every part of my conduct, in the great share I had in the management of the Company's affairs, would bear the most rigid scrutiny, and the more known be the more approved; I held them in too much contempt to merit any answer. But as I find the unjust attack on my character has been followed by an attack on my fortune, and insinuations thrown out to justify these proceedings, very injurious to my honour, I reluctantly submit to vindicate myself, and must rely upon the candour of the Proprietors, not to impute it to ostentatious vanity, if in speaking of myself I do aver, that I founded all my actions in their service on honourable motives.

To state this clearly, I am obliged to go back to that period when commerce was the Company's sole object. The first principle on which the Company's settlements were established, was intirely commercial. The Mogul government had, during the long and

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wise administration of Aurengzebe, taken such deep root, that the many nations which formed the empire of Indostan were subjugated to the Mogul in various forms; some of them tributary and hereditary, and others governed by Nabobs, or Viceroy, under the immediate appointment of the Emperors.

Such was the state of the empire when the English settled in India; and, in the reign of Furruckseer, they obtained phirmonds, or royal grants, for establishing themselves in Bengal, Madras, and Surat, with privilege of trading duty-free; and a grant of a certain district of land to settle upon, and liberty to fortify and govern themselves by their own laws. But as the English saw no violence to be apprehended from a people who had a just idea of commerce, and a government at that time well administered, they built with very little view of defence, and carried on their trade free from oppression.

The governors of the distant provinces discovering the weakness to which the power of the Emperor was reduced by the invasion of Nadir Shah, were no longer restrained by fear; each assumed and exercised sovereign authority over his province, and looked on his government as an heritage to his family. Scarce any more of the annual sums, before paid by them to the Mogul, were sent to court; and, to maintain themselves in their sovereignty, they levied forces far beyond what the ordinary revenues would maintain: From hence oppressions became necessary, and, in their turn, the Europeans were oppressed, not only in their trade, but large sums extorted from them by violence. Moni. Dupleix, the Governor of Pondicherry, was the first who took the alarm, and was the first who discovered the superiority of European discipline, and from hence was led into the idea of acquiring a territorial sovereignty in India.

It is probable, he at first extended his views no farther than a district round Pondicherry; but when once engaged in the politics of the country, his successes so far surpassed his expectation, and opened such a scene of power to him, that he disdained the narrow limits he might at first prescribe to himself; and

and no doubt but they were enlarged, not only to the conquest of the Carnatic, but to the extirpation of all other European nations, and even to the reduction of the whole Mogul empire, and to make it a dependant state on the crown of France.

The English beheld his progress with astonishment, but were not roused to action, till they found themselves on the point of being swallowed up by the French power. Forced to it, they with reluctance, in 1750, undertook the support of Mahomed Ally against Chunda Saheb, under whose name the French carried on their ambitious projects.

It is not my intention to enter into a minute detail of that long war, maintained on our side against a constant superiority of numbers, at the expence of the lives of many thousands of brave men, and at the risque of near a million sterling of the Company's property; I shall only observe, that from our successes, the Nabob's situation was so different at the end of the year 1753, from what it was in 1750, at which time the single city of Trichinopoly was the only part of his dominions that remained unconquered by the French, that in 1753 he had recovered, and was master of, almost the whole Carnatic; and at that time the French resources seemed nearly exhausted.

The French Company, elated at the success which attended Monsi. Dupleix in the commencement of the war, at first faintly approved his measures; but the opposition of the other European powers, the unforeseen events of war, and the deviating so widely from their natural object of commerce, rendering the event very uncertain, there was nothing could fix their faith in the rectitude of those measures, but successes that might attend them, and a happy period to the war, which Monsi. Dupleix promised them in every letter. But, instead of these successes, they saw the countries, of which they expected the revenues would be their reward, in the hands of their enemies, and their stock exhausting in the support of an uncertain war, which ruined their trade, and the manufactories of the country, from which they had

before reaped advantages suitable to their establishment.

The war appeared in the same light to the English Company, and therefore both agreed on a neutrality for the Carnatic, till means should be found to put an end to that and all future wars by negotiations at home. But as it regarded the Carnatic only, it did not check the progress of the French arms in the Decan, the Soubah of which had ceded to them Masulipatam, and four provinces, which yielded them a revenue of 400,000 l. sterling a year. Nor did there appear any check to their progress in that country: the French gave law, by their influence over the Soubah, to a country as extensive and populous as France; and by a prudent management of what they had so acquired, or by increase of dominion, it was in their power even then to have laid a foundation on which M. Dupleix's great ideas of conquest might have been realized. And altho' the French Company themselves should have chosen to adhere to their commercial interests, Dupleix's projects suited too well with that spirit of conquest which prevails in the French court, to be neglected; and upon the breaking out of the war it is reasonable to conclude, from the forces sent out under General Lally, that they adopted them in their utmost extent. Our settlements were but a secondary object; their forces were so formidable, that they, with great probability, imagined them a trifling obstacle, (which surmounted) Cape Comerin and the Ganges might have been the boundaries of their dominions. The spirited efforts of Mr. Pocock could not prevent their landing their army: St. David's fell; no obstacle but Fort St. George remained to the accomplishment of their farther conquests. Here they met with a resistance suitable to the importance of the object; and I am persuaded, that Messrs. Pigott, Laurence, Draper, and many other gentlemen of the garrison would have been buried under its ruins, sooner than have surrendered the place.

The siege was raised, their army reduced, and misfortunes pressed them on every side.

Prior

Prior to the siege of Madrafs, they had lost all their settlements in Bengal: four hundred Europeans, sent under Col. Ford into the Decan, by the great success of that gallant officer, put a period to their expectations in that country. The reduction of Masulipatam, the four northern provinces, and the making all the French army there prisoners, greatly contributed to our success at Fort St. George, as it diverted great part of the French forces, who otherwise would have been called to the siege of Madrafs, and deprived them of supplies of money and provisions. And finally, as Col. Ford's expedition obliged the French to send from the coast 500 men for the relief of Masulipatam, of whom very few returned to Pondicherry, the French were reduced to act upon the defensive only, and were greatly distressed for money and provisions, which Fort St. George was plentifully supplied with from Bengal. Under these circumstances the fall of Pondicherry closed the scene of all their glory, and left them not a foot of land in India.

Thus have I traced, from its commencement, the progress and issue of a war, begun on principles of French ambition, but happily terminated by the greatest efforts of valour and good conduct on the part of the English. I flatter myself, that every Proprietor must receive infinite pleasure in the reflection, that they will soon reap the benefit of these great and glorious successes, now secured to them by the XIth article of the definitive treaty. Although there are some geographical errors, such as making the Soubah of Bengal's dominions extend near 200 miles more than they do, to Yawnam, and making that place the northern instead of the southern part of the coast of Orixá: the acknowledging Salabad Jíng lawful Soubah of the Decan, and Mahomed Ally Cawn lawful Nabob of the Carnatic, had better have been omitted for several reasons, and may be productive of disputes hereafter between the two Companies: yet, upon the whole, the article is very advantageous to the East India Company.

As my opposition originally arose from the defects in the preliminary articles, (in which the interest of

the East India Company appeared to me to be much exposed) it affords me a very particular pleasure to think that I have been any ways instrumental to the amendment of that article relative to the Company. Of the part I acted in it, Mr. Wood himself bore testimony in the general court; and though it had but little weight at that time, yet I persuade myself, that when the voice of clamour ceases, *that*, like every other part of my conduct towards the Company, will be found to have sprung from the warmest zeal for their honour and interest.

As to myself, I can with truth affirm, that the principal motive that induced me to offer myself a candidate for the India Direction, was the interest of the East India Company; and my reasons for espousing the cause of Mr. Rous, arose from a conviction of his integrity. Contrary to my expectation, my opponents, the very men who had so often concurred in giving me the most public testimonies of their sense of my services, were men that opposed my coming into the Direction. Better versed in such business than myself, they prevailed in this dispute; and every species of calumny was made use of that malice could invent; and the first step my opponents took, after the election, was to order their servants abroad to stop the rents of my estate in the East Indies, which they themselves had regularly paid me for several years, without objection. Their motives for taking such a step at such a time are too obvious to be insisted upon.

Anonymous letters in the public papers were the channel my enemies chose for those dishonourable reflections, which not one amongst them would have dared to have set their names to.

I have collected, from the heap of absurdities published on that occasion in the Gazetteer of the 12th of April, 1763, the following articles.

- 1st. That I had refused to answer certain enquiries respecting the distribution of the Nabob's treasure.
- 2dly. That I had done injustice to the relations of the unhappy sufferers in the Black Hole, by withholding

holding from them the sums stipulated by treaty for their indemnification.

3dly. That having deposed the Nabob, I entered the treasury, and distributed the wealth according to the pleasure of those intrusted with the Company's authority, leaving the Nabob destitute, and necessitated to borrow money of the Company for his necessary expences; by all which the Company may hereafter become responsible to the Mogul.

4thly. That no servant of the Company shall remit money home but by their cash, which order I broke through, by remitting large sums by the Dutch cash.

5thly. That I was guilty of a breach of trust, by supplying a Portuguese ship, bound from Bengal to Lisbon, with goods and money, to the great detriment of the Company.

6thly. That I have no right to an annual revenue of 27,000*l.* a year given me by the Nabob, which must be supported and maintained at the Company's expence.

The first of these articles does not explain what the enquiries were I had refused to answer; I therefore do not clearly understand what the tendency of of such enquiries were. If they had any relation to the monies received from the Nabob by the Company, the treaties entered into with the Nabob by the Admirals Watson and Pocock, the President of Fort William and myself, in consequence of which the Company received near a million and an half sterling, will account for that proportion to which the Company can lay any claim. This however does not seem to be the matter alluded to, but something respecting myself, or the fortune I acquired in the Company's service. It is well known, that I was not in England at the time the general court was held relating to the distribution of the Nabob's treasure, and could not possibly give any answer to the inquiries on that subject; but if there was any foundation for such inquiries, the Directors were wanting in their duty to the Company, in not making them after my return: and it will appear, that the Directors, under their

own hands, approved of the donations bestowed by the Nabob on individuals for their services. But however, as the neglect of the directors, if that was the case, in not calling me to account, can by no means sanctify my actions, it is necessary that I give the best satisfaction I am able relative to this matter.

I was appointed, by the gentlemen of Fort St. George, commander in chief of the troops sent for the recovery of the Company's settlements in Bengal, on board the fleet commanded by Admiral Watton. On our arrival in the Ganges, we found the unhappy remains of a once flourishing colony on board a few merchants ships in that river. We landed, drove the enemy from Fort William, and put the Company's Governor and Council in possession. The Nabob then came down with an army of sixty or seventy thousand men, and a heavy train of artillery, flushed by his late successes against the English. The King's and Company's forces, consisting of a battallion of 450 men, a battallion of Seapoys, and a body of sailors from the squadron, attacked the Nabob in his camp, and defeated him. We then made a treaty with him, by which he engaged to restore all the effects he had taken. In consequence of which, the Governor and Council recovered in goods and money to a large amount.*

War being declared against France, we took Chandernagore; and having convincing proofs, that the Nabob's firm intention was to extirpate the English, as soon as the troops and squadron left the river, we entered into an alliance with Meer Jaffier Ally Cawn, a general officer in the Nabob's service, and near relation to the Nabob; and accordingly a treaty † was concluded between us, the chief object of which was, on the part of our ally, a full satisfaction to the Company and all the inhabitants, for the losses they had sustained by the capture of Fort William, and other factories which the Nabob had plundered, with grants

* A copy of this treaty may be seen in the Appendix, No. 1.

† A copy of which may be seen in the Appendix, No. 2.

grants of lands and privileges; and, on the Company's part, to place and support him in the government of the three provinces of Bengal, Bahar, and Orixa.

Every thing being agreed on between Meer Jaffier and the secret Committee, we marched the army to meet the Nabob, whom we intirely defeated. His death followed soon after, and Meer Jaffier was, in a few days, in possession of the government, and of a revenue of three millions and an half sterling per ann.

The one half of the secret Committee being then present at the capital, and a report made by the Nabob's ministers of the state of the treasury, it was settled, that half the sum stipulated by treaty should be paid in three months, and the other half in three years, all conditionally, that we supported him in the government.

The Nabob then, agreeable to the known and usual custom of eastern princes, made presents, both to those of his own court, and to such of the English, who by their rank and abilities had been instrumental in the happy success of so hazardous an enterprize, suitable to the rank and dignity of a great Prince. I was one amongst the many who benefited by his favour: I never sought to conceal it, but declared publickly, in my letters to the secret committee of the India Directors, that the Nabob's generosity had made my fortune easy, and that the Company's welfare was now my only motive for staying in India. What injustice was this to the Company? They could expect no more than what was stipulated in the treaty. Or what injunction was I under to refuse a present from him who had the power to make me one, as the reward of honourable services? I know of none. I had surely myself a particular claim, by having devoted myself to the Company's military service, and neglected all commercial advantages. What reason then can be given, or what pretence could the Company have to expect, that I, after having risked my life so often in their service, should deny myself the only honourable opportunity that ever offered of acquiring a fortune, without prejudice to them, who, it is evident, would not have had more for my having had less. When the Company
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had acquired a million and an half sterling, and a revenue of near 100,000*l.* per annum, from the success of their forces under my command; when ample restoration had been made to those whose fortunes suffered by the calamity of Calcutta; and when individuals had, in consequence of that success, acquired large estates; what would the world have said, had I come home, and rested upon the generosity of the present Court of Directors?

It is well known to every gentleman in Bengal, that the honour of my country, and the interest of the Company were the principles that governed all my actions; and that had I only taken the advantageous opportunities that presented themselves, by my being commander in chief, and at the head of a victorious army, and what by the custom of that country I was entitled to, the Jaghire itself, great as it is, would have been an object scarce worth my consideration.

The city of Muxadavad is as extensive, populous, and rich as the city of London; with this difference, that there are individuals in the first possessing infinitely greater property than any in the last city. These, as well as every other man of property, made me the greatest offers, (which nevertheless are usual upon such occasions, and what they expected would have been required) and had I accepted these offers, I might have been in possession of millions, which the present Court of Directors could not have dispossessed me of. But preferring the reputation of the English nation, the interest of the Nabob, and the advantage of the Company, to all pecuniary considerations, I refused all offers that were made me, not only then, but to the last hour of my continuance in the Company's service in Bengal, and do challenge friend or enemy to bring one single instance of my being influenced by interested motives to the Company's disadvantage, or to do any act that could reflect dishonour to my country or the Company, in any one action of my administration, either as Governor or commanding officer.

I little expected ever to have had my conduct impeached, or to have received such treatment from the Court of Directors, especially after the many public and

and honourable testimonies of approbation I had received in the orders and letters mentioned in the Appendix, No. 3.

I am not ostentatious, but upon this occasion am forced to deviate from myself, and with great reluctance expose these public testimonies of my conduct, in contrast to the dishonourable motives which have induced my enemies to impeach it,

As to the 2d article, accusing me with injustice towards the relations of the unhappy sufferers in the Black Hole, whoever will be at the pains to inquire, will learn that 625,000*l.* was the sum assigned to make good the losses sustained by the Europeans; that the money was sent down to the Governor and Council at Calcutta, and by them deposited in the Company's treasury, who gave orders to their treasurer to issue it out as demanded to the secretary appointed by the 24 commissioners, chosen by the inhabitants themselves to adjust their respective claims; and that none of it ever passed through my hands. They will further learn, that the sum assigned did not only suffice to pay the principal of such losses, but for a dividend of 22 per cent. for interest, besides a sum sufficient for another such dividend, which has been detained for the Company's use by orders to their servants abroad. It is very possible, that the heirs of some of the unfortunate sufferers in the Black Hole may not have been able to obtain their right, for want of attornies to apply to the commissioners for that right. If there be any such demands, I should imagine they may still have justice done them out of the remaining treaty-money, now in possession of the Company. But to shew in what a light the sufferers themselves regarded my conduct, I take the liberty to insert a paragraph, extracted from a letter signed by almost all the inhabitants of Calcutta, which will shew the proprietors their sentiments of my conduct on that subject.

Honoured Sir,

" The inhabitants of this settlement, truly sensible
 " of the benefits they have received from your
 " generous assistance, in obtaining them restitution
 " for

“ for the heavy losses they sustained in the miserable
 “ catastrophe of June 1756, and for your great care
 “ and assiduity in the collecting of that part of the
 “ Nabob's donation ; Do, with the utmost gratitude,
 “ return their hearty and sincere thanks for those
 “ great favours conferred on them, the remembrance
 “ whereof will be for ever indelible.”

As to the third article, which seems to intimate some right in the Great Mogul to the treasures of the late Nabob Surajah Dowla, and that the Company may hereafter be responsible to him on account of these treasures ; it may be said, that there is such a Prince, but he is almost without territory or power ; the little he possesses not being equal in extent or riches to one twentieth part of his dominions, and therefore unable to enforce in those provinces any authority that might have formerly belonged to him ; and he is now so far reduced, as to be a captive to, and in the hands of, one of the Soubahs.

However, as I would give the proprietors all the satisfaction I can, as to this article, I will lay all the particulars before them, and for that purpose I must inform them, that as soon as it was known, that Surajah Dowla was fled from the city, a new ministry was immediately appointed, and the former officers became responsible to them.

The gentlemen appointed by the Governor and Council to receive the money due by the treaty, were agents for this purpose. As to myself, I was never there but once out of curiosity ; and I do declare, that I never interfered, directly or indirectly, any further than what immediately related to the payment of the money stipulated by the treaty.

The treasure was most certainly the property of the Nabob Meer Jaffier, as it would have been of any other Nabob, who might have succeeded to Surajah Dowla ; but for the application of the money, I will suppose, for once, that it did belong to the Great Mogul : surely then it was out of that very Imperial treasure the Company received 1,250,000 l. The sufferers at Calcutta 1,000,000 l. and the navy and army
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600,000*l.* and that if Meer Jaffier had no right to give any part of the Imperial treasure to individuals for their services, he had no power to bestow those several large sums to the Company, sufferers, navy, and army; and if he was answerable for the one, he must for the other. If therefore, it was wrong in me to accept the favours of the Nabob out of that treasury, certainly it must be so too in the Company, sufferers, navy, and army.

As to what is insinuated, that the donations given by the Nabob to individuals, had drained his treasury in such a manner, that the Company were obliged to lend him large sums of money, this is not only a very unfair, but a false representation of facts. The time the Company lent this money to the Nabob was, when his dominions were in peace, and the sum was only two lack of rupees, about 25,000*l.* the Nabob's minister himself informed me, he had then to the amount of near a million sterling in jewels, a large sum of money in his treasury, and to a very great amount in plate. It could not be owing to distress that he borrowed this money: his pretences of poverty might have been made use of with a political view, as is the constant practice in that country; or he might have desired to borrow money of the Company for fear they should desire to borrow of him. But the real fact was this; if I may be supposed to know it, who then presided over the Company's affairs in Bengal.

By the IXth article of the treaty with the Nabob, the Company's possessions would have been of little consequence to them, unless we were allowed to put not only our own construction on the words of the article, but also to have an additional quantity of land to the northward, to the amount of near 12,000*l.* per ann. In order to accomplish this, we not only were obliged to comply with the Nabob's request, made at that particular time, but also to make presents to several of the principal officers about him, to engage his consent to this grant, which he was not bound to make by treaty; and I believe the Directors know very well, if not, I am sure the Governor and Council are well apprized of what consequence it was to the

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the Company, to obtain the grant of those lands to the northward of Calcutta. I will venture to affirm, had the Nabob desired a loan of money at any other time but this, his request would not have been complied with.

The unfortunate Meer Jaffier was a stranger to distress until I had left the country. It was when the King's son, and a large body of Morattoes, invaded and ravaged his kingdom for a twelvemonth together, and had stopped the receipt of great part of his revenues. It was then that the Nabob began for the first time to experience the misfortunes of distress. Yet still his distress was not so great, but that his successor was able, immediately, to bestow on the Company eight lack of rupees, or 100,000*l* sterling, to carry on the war on the coast of Coromandel.

As to the fourth article, That no servant of the Company shall remit money home but by their cash; which order I broke through, by remitting large sums by the Dutch cash. That I did, jointly with my friends, remit a large sum of money to England, by bills on the Dutch Company, is most true, for this reason only, that the English Company's treasury was so full, that their servants abroad thought it inconsistent with the Company's interest to grant bills, when it was more than possible, the French might drive us out of all India, and the Company not only lose what they had just acquired, but become responsible for the immense sums, which under the terror that then prevailed of the French force, would be immediately poured into their treasury: and though I should have thought it a great advantage to have remitted my fortune home at that dangerous crisis, by bills on the Company, when the motion was made in council to receive all monies tendered for bills payable in three years. I was myself one of those who opposed it; and the only money received into the treasury was Mr. Watson's estate, to shew a sense of the services received from him: sums due to the merchants of London, for coral and bullion; small sums from the principal servants, for remittances to their families,

and the purchase of necessaries, were received, and bills granted for them.

I flatter myself it will give me some merit with the Company, that I opposed the fatal designs of the Dutch in the armament they had sent to Bengal, with so much perseverance, more especially as I had at that time the greatest part of my property in their power, the bills given me not being wholly due till three years after fight; and I could not but be very sensible at that time of the risque I ran, by such an opposition to that dangerous undertaking; and I will venture to affirm, that had not my trustees agreed to accept the payment of the money upon the Dutch Company's own terms, which were a very considerable deduction for prompt payment, the greatest part of my fortune would have been at this day in their hands.

As to the fifth article, That I was guilty of a breach of trust, by supplying a Portuguese ship, bound from Bengal to Lisbon, with goods and money, to the great detriment of the Company, there is not one word of truth in the whole of this assertion. Those who did, may plead the same defence that I do for my remittance by the Dutch: the inference drawn is absurd; the Company had more money than goods to purchase.

I now come to the last article, viz. That I have no right to an annual revenue of 27,000*l.* a year, given me by the Nabob, which must be supported and maintained at the Company's expence.

In this article, party resentment seems to have confounded all ideas of right and wrong; and my opposition to the present leading gentlemen has cast such a mist before their eyes, that they cannot discern that right which they had before acknowledged by every act that could express it. But as I intend to make the Proprietors the judges of that right, I shall explain the cause, for which the Jaghire, or Lordship, which produces to me an annual income of about 30,000*l.* a year, was given me, and the nature of the grant by which I hold it.

Soon after the battle of Plassey, the Nabob, of his own free motion, without the least hint or application

cation from me, sent a petition to the court of Dehli, that I might be created an Omrah, or Lord of the Empire. In the beginning of the year 1758, the Nabob received and delivered me the patent (with other honours accompanying it) by which I was created an Omrah of the command of 5000 foot, and the rank of 6000 horse.

According to the custom of the country, the Soubah assigns a Jaghire, or estate, within his own provinces, to support the dignity of the new created Omrah; but at the time I received the patent of creation, I knew of no such intention in the Nabob, whose friendship for me gave way to other views.

I have before hinted, that the Soubah's first plan was to evade the execution of the remaining part of the treaty, and to appear, in the eyes of his subjects, as maintaining himself by his own strength, and not by our support.

He took the field, as early as the season would permit, with an army of 80,000 horse and foot; and it was with reluctance that he sent for me to join him with our troops, and more from the apprehension of leaving us so near his capital during his absence, than from any expectation of our assistance in the furthering of his designs.

We marched the army up, now reduced by the malignancy of the climate to 300 English, with two battalions of Seapoys, and a train of artillery.

At our first meeting I reproached him with the duplicity of his conduct, and insisted on his immediately paying down all arrears, and that he should give secure assignments for the payment of the rest of the treaty-money. I freely gave him my opinion of his keeping up such a vast army, which drained his treasury to no manner of purpose; that the example of his predecessor might be a lesson to him how little such troops were to be depended upon; and that when danger pressed, he would find the English his only true and firm support. In his exaltation to his new grandeur, and seeing himself at the head of such a numerous army, my advice made little impression; so I concluded with telling him, he might amuse himself
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with his own ideas, but, in the mean time, that I was neither to be trifled with nor intimidated; and, after some struggle, I obtained immediate payment of the arrears, amounting to several hundred thousand pounds, and an assignment of certain districts, the revenues of which were to be collected by the Company, as a security for the rest; and from this instant the Nabob may have been said to comply literally with this treaty.

These were the Nabob's sentiments at that time, and such they continued until the following year, when the province of Bahar being invaded by the Mogul's son (drove by the Vizier from his father's court) the Nabob attempted to take the field, and now experienced what I always inculcated to be true. Vast arrears were due to his numerous army, who, taking advantage of the times, surrounded him, and insisted not only on the whole of the arrears due from his predecessor as well as himself, but on an advance of pay. These demands amounting to many millions, it was impossible he could comply with them.

In this exigency he applied to us, entertaining great doubts of our friendship, from the consciousness of the insincere part he had acted, and from a just sense of his own imprudence, in having neglected the advice I had given him the preceding year, to disband the greatest part of his large and useless army. Bound by treaty and interest, it behoved us to secure the attachment and dependancy of the Nabob. We immediately took the field, and relieved him, for the present, from the inconveniencies he laboured under from his own forces, who, over-awed by our presence, desisted from their demands. Being joined by 8000 horse and foot, under the command of his son the young Nabob, we marched four hundred miles in twenty-three days, and forced the enemy to raise the siege of Patna, the capital of the province of Bahar, and pursued them two hundred miles further, until they passed the boundaries of the Soubah's dominions, and then obliged the tributary Rajahs to pay their arrears. In the mean time, the Nabob's army had again surrounded him, and were become more out-

rageous than ever ; and he was upon the point of being put to death, when the news of our success dispersed them, and they became as submissive and fawning, as they were before daring and insolent.

Services rendered at such a crisis, convinced him at last of the value of such sincere allies. On my return from the north he came to meet me, and after many obliging expressions, that I had saved his life, and made him a second time Soubah, he reproached himself with ingratitude in never having appointed me a jaghire. On taking his leave he told me, Jaggerseat (a man of great note in that country) was intrusted with his orders on that subject. Jaggerseat soon after put a paper roll into my hands, in the presence of Mr. Francis Sykes, Mr. Luke Scrafton, (both now in England) and Major Carnac, which proved to be a patent for the lordship of the lands rented by the Company, in consequence of the article of our treaty with him. The patent was soon followed by the order in the Appendix, No. 3. being an order to the Governor and Council of Calcutta, to pay me the rents of the said lands, instead of paying them as before into his treasury, he having made me a Jaghire-dar, or Lord of the country.

Such were the motives that induced the Nabob to give me this token of his sense of my services, and such the manner in which it was conferred, by me unasked and unexpected ; I say unasked and unexpected, because, from the time of my receiving my honours from Dehli, in December 1757, to this time, nothing had ever passed on the subject, but one letter from me to Jaggerseat, in January 1759, informing him, that the Nabob had made me an Omrah without a Jaghire, which I understood did usually accompany it, and to desire he would apply to him on that occasion ; to which letter he returned answer, that he had applied to his Excellency, who ordered him to acquaint me, that he never granted Jaghires in Bengal ; that Orixá was too poor, but that I might have one in Bahar. Looking on the Nabob's answer as an evasive one, and that he was not inclined to comply with my request, I never wrote or thought any more
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on this subject, until I received a second letter from Jaggerseat in answer to my first, after our success against the King's son, that the Nabob had turned the thing in his mind; and was willing to grant me a Jaghire in Bengal; but the nature of it, where, or of what value it was to be, I was intirely ignorant, till the patent explained it, and I confess it gave me the greater pleasure to find it to be the Lordship of the Company's lands, because the Company was thereby freed from all dependance on the government.

It now remains to say something of the validity and nature of the grant. It is to be observed, that the lands ceded to the Company by the IXth article of the treaty, were only ceded to them as perpetual Jemindars, or renters, the Nabob reserving the lordship and quit-rents, which amounted to near 30,000*l.* yearly; and the Company could never be lawfully dispossessed, so long as they continued to pay that quit-rent. It was, then, the lordship and rents so reserved that he made over to me; no prejudice resulting to the Company, who had farmed out the same to a very considerable yearly amount, with a prospect of great increase of rents, and only this difference, that they were to pay the quit-rent to me, instead of the government; to this nation a profit of 30,000*l.* a year.

With regard to the validity of this grant, I shall only say, that the patent passed all the usual forms of the country, and was founded on the very same authority that the Company had for all their acquisitions, the power of a Soubah. This I think is a sufficient answer to the charge in the 6th and last article.

I shall now proceed to lay before the Proprietors the measures taken by my adversaries, subsequent to the election, and the reasons they assign to support them.

But I shall first take notice, that by the services rendered to the Nabob, the Company not only recovered the misfortunes sustained from the late Nabob, with the possessions I have already mentioned, but

also acquired, and had delivered into their hands, the absolute power over the three provinces of Bengal, Bahar, and Orixá, whose ordinary annual revenues produce three millions and a half sterling; insomuch that they were enabled to set up and establish in the Soubahship any person they thought fit. This matter may be clearly seen by the letters in the Appendix, No. 3.

This power the Company, soon after I left Bengal, exercised, and in 1761 they entered into a treaty with Mahomed Coffin Cawn, son-in-law to Meer Jaffier, for that purpose, (a copy of which treaty is in the Appendix, No. 4.) By this treaty the Company acquired a much larger district of country, than they before enjoyed under the treaty with Meer Jaffier, together with a larger estate and interest in those lands, than they had in those before granted; for the annual amount of the lands last acquired were near 600,000*l.* and instead of reserving to the government the usual rents of homage which those lands were subject to, both the lands and those rents were granted to the Company.

This treaty being signed by Mahomed Coffin Cawn and the presidents of the Company at Calcutta, on behalf of the Company, the Nabob Meer Jaffier was surrounded in his palace by the servants of the Company, and obliged to relinquish his government, and was carried down to their settlement at Calcutta, where he did till lately reside, and Mahomed Coffin Cawn was placed in the executive part of the government in his stead.

I shall not at present enter into the consideration of the grounds and motives for so early and extraordinary a change in the government of the provinces, being inclined to think those matters will be laid before you by persons better acquainted with that transaction than I am. For the present I introduced it only to shew the great advantages the revolution, brought about by the removal of Surajah Dowla, had produced to the Company; and that those advantages might, with prudent management, be increased: but at the same time I must observe, that the revolution
against

against Surajah Dowla was a matter of necessity, as upon that event only depended the existence of the India Company; and I hope nothing but the preservation of the Company's property in those parts induced those concerned in the last revolution (if it may be so called) to bring it about.

I have before acknowledged, that my fortune arose from the grateful bounty of the Nabob for my services to him; and altho' I shall ever think of my services to the Company with pleasure, yet the Company cannot say I owe them any thing in point of gratitude. My allowance, as President, was (until increased by the additional allowance of 1000l. a year) less than any of my predecessors received by 1200l. a year. Indeed, had the Court of Directors rewarded my services in the same manner they have done those of my successor, by allowing me two and an half per cent. on all their revenues and monies acquired for them, it might have been otherwise. My adversaries cannot therefore say I acquired my fortune out of the property of the Company, or in diminution of that of my country, or any of my fellow-subjects: on the contrary, it is well known, that had it not been for the successes we were blessed with, this kingdom would never have had the benefit of one farthing of the money which has been brought into it, in consequence of those successes. This being the case, one might have expected, after so many years service to the Company, and under the circumstances I have described, they would at least have permitted me to have had the quiet enjoyment of that fortune I had so obtained.

And here I must acquaint the Proprietors, that the rents of my Jaghire were regularly paid during the time I was in Bengal, and, since my return, have been received by my attornies in Bengal, and remitted by them to me, as the ships sailed from thence, in bills on the Company here, which were always regularly paid without objection, until May last, when, on the ships going out for Bengal, which were the first that went out after the election on that voyage, I was given to understand, that orders had

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been sent to stop the payment of my Jaghire. I applied to the Court of Directors for a copy of those orders, but that was refused; however, I afterwards came to the knowledge of them. They are to the following purport: "With respect to the Jaghire given by the late Nabob, Jaffier Ally Khan, to Lord Clive, arising out of the lands granted by the said Nabob to the Company, we direct, that you do not pay any further sums to the attornies of Lord Clive on the account; and we further direct, that whatever shall arise in future from the said Jaghire, be carried to our credit. You are to cause exact accounts to be made out and transmittted to us, not only of what shall so come into our cash, but also of all the sums Lord Clive's attornies have already received on the said account, together with the dates of the several payments. His Lordship's pretensions to the said Jaghire will be settled here."

And Mr. Sullivan, by a letter wrote at the same time by him to the President at Calcutta, informed him, "That all cordiality being at an end with Lord Clive, the Court of Directors had stopped payment of his Jaghire; a measure which would have taken place years ago, had it not been for him (Mr. Sullivan); and that on this head the said President was to obey every order, which he might receive from the Court of Directors; and that more was not, nor must be, expected of him."

I shall not trouble the Proprietors with any observations on this order and letter, they will sufficiently speak for themselves; but shall only remark, that I must think it extremely hard to be deprived of my property because I cannot agree with the present Court of Directors.

But the Company having paid my Jaghire so long without any objection, and even now not claiming any right thereto themselves, nor pretending to say that any one else does; under such circumstances one might be at a loss to conceive what foundation in reason there could be for the Directors sending such orders

orders to Bengal. But, on inquiry into the matter, the reasons assigned appear to be four.

1st. That the Mogul is sovereign of the provinces of Bengal, Bahar, and Orixá, and proprietor of all the lands within those provinces; and that the rents granted to me are the antient imperial rents reserved and payable to the Emperor; and that therefore the Nabob could not grant or alienate the same from the imperial Crown; and that the Company may be called to an account by the Emperor for what they have paid to me: Nor is that all the Company seem to expect, but that I am accountable to them for what I have received.

2dly. That suppose the Nabob had a right to alienate those rents, such alienation could exist no longer than the Nabob who granted the same continued in his government, and that such alienation was not binding on his successor; and as Meer Jaffier had been deposed, the grant became of no effect.

3dly, That my acceptance of the dignity of an Omrah, or title of honour (which honour they doubt my having had, although they have a copy of the patent in their custody) was contrary to my duty to the Company, as I might be obliged, by such acceptance, to assist the Mogul and the Nabob in war, even against the Company.

And lastly, for fear these reasons should fail them, then comes a fourth; which is, that suppose I have a right, that even then I have no remedy in England, but must resort to the court of the Mayor of Calcutta, or to the courts of the Emperor at Delhi, or the court of the Nabob.

As to the first, it may be proper to observe, that, upon the original foundation of the Mogul Empire, all the lands, like those in England, were in the crown, who granted the rents, in the nature of fee-farm rents in England: These lands were, and now are, called *Calsa Lands*, or lands belonging to the crown; the rents whereof were, for several years, received by officers appointed within the provinces by the Emperor for that purpose; and the Nabobs, who were then Viceroys to the Mogul, had pensions as-

signed them to maintain their courts, and support their governments : But, for a great number of years past, that method has been changed, and instead of pensions, the Emperors allotted to the Nabobs large quantities of land within the provinces, to be disposed of and managed for their own benefit ; and these lands were, and now are, called Jaghire Lands, and for which no taxes are paid : And as to the rest of the lands within the provinces, the Nabobs farmed the same of the Mogul at a certain yearly sum.

This alteration being received into the Mogul government, it became immaterial to the Mogul what the Nabobs did with the rents ; the yearly sum stipulated was all he expected, and that they were obliged to pay ; so that all the rents, and also the lands that produced them, were under the power of the Nabobs, who might and did dispose of them as they thought fit, and out of them conferred favours on whom they pleased. The Nabobs granted zemindaries or leases of all the lands from time to time at their pleasure, or as occasion required ; and in this state the constitution and usage of the Mogul Empire stood at the death of Aurengzebe.

After the death of Aurengzebe, the Nabobs began to assume sovereign authority, and the invasion of the Persians, before taken notice of, rendered that sovereignty absolute ; and the Nabobs do now, and have for many years, exercised all those sovereign rights, regarding the lands and revenues of the provinces, which the Mogul Emperors ever had.

It is under the authority of the Nabob, the Company now hold their zemindary in the lands subject to my jaghire ; it is under the same authority, they now hold by treaty with the Nabob Cossin Cawn large districts of country, producing near 600,000*l.* a year to them, without paying any rent at all, notwithstanding those lands are calsa or imperial lands, and would, in case the original constitution of the Mogul Empire existed, be subject to the payment of the antient reserved rents to the Great Mogul, to a very large amount ; it is well known that there are numbers of jaghires in the province of Bengal, granted by former

mer Nabobs, that have subsisted for several generations.

Yet as to my jaghire, they now at once alledge it was an illegal act in Meer Jaffier, and at the same time admit that the Company are in the enjoyment of all the lands granted to them by the Nabob Cossin Cawn, without paying or being subject to any rent at all; and that the grant from Cossin Cawn to them, both of the lands and ancient rents, is valid and effectual: this seems a contradiction not easily to be reconciled. But for a moment, let us suppose that the fears the Company entertained at that instant of being accountable to the Great Mogul, might have obscured the light which the comparison of things alone would have discovered, and that the Mogul should hereafter recover the ancient dominion of his empire; it must then be observed, that the annual tribute stipulated to be paid by the Nabob on his confirmation, is in fact the same annual sum formerly reserved and paid by the Nabobs for the farm of the rents and lands within the provinces. Can it then be supposed that the Mogul would require both the revenues of the lands, and also the annual sum stipulated to be paid by the Nabob, in lieu of those revenues? It might, with some degree of probability, have been said, that he might, according to the constitution of the empire, call the Nabobs, who might then be considered as his Viceroys, to an account for all the annual tribute remaining due from them; But to say the Company would be answerable to the Mogul for the rents paid by them to me, is an inconsistency equal to the former, and not to be reconciled to reason or the nature of things: and even to furnish themselves with this pretence, bad as it is, they must have had a very extraordinary foresight; and I should be glad to have been informed of the period such a reckoning was likely to take place.

I have before taken notice of the present circumstances of the Mogul, and by what means a Prince under his circumstances, or even supposing him in as good a situation as his predecessors for several years past have been, could recover the dominions of large
and

and powerful provinces, which had long shaken off his authority, I am really at a loss to guess. But to remove any doubt the proprietors may entertain concerning the power and dominion of the Great Mogul in Bengal, or the sovereign authority of the Nabob I will repeat the account given by your Directors of those measures under their hands to his Majesty, in the year 1762, in a memorial presented by them relative to the transactions with the Dutch, which account is in the following words :

“ By the antient constitution of the Mogul Empire,
 “ of which the provinces of Bengal, Bahar and Orixia,
 “ are a part, the Nabob or Soubah of those provinces
 “ was nothing more than the Mogul’s Viceroy, yet,
 “ for many years past, as the strength of that constitution has been gradually declining, the Soubahs of these and other provinces have been in
 “ like gradation assuming an independance of the
 “ Court of Delhi, and the shock which the empire
 “ received, or rather the subversion of it, for it has
 “ never recovered, nor probably ever will, from the
 “ irruption of the Persians under Nadir Shah, has
 “ so far confirmed that independance, that the relation between the Nabob and the Mogul, is at present little more than nominal. The Nabob makes
 “ war or peace without the privity of the Mogul,
 “ though there appear still some remains of the old
 “ constitution in the succession to the Nabobship, yet,
 “ in fact that succession is never regulated by the
 “ Mogul’s appointment, tho’ the person in possession is generally desirous of fortifying a disputed
 “ title by the Mogul’s confirmation, which the court
 “ of Delhi, conscious of its inability to interpose,
 “ more substantially, and desirous of retaining an
 “ appearance of superiority, readily grants. The
 “ Nabob of Bengal is therefore *de facto*, whatever
 “ he may be *de jure*, a sovereign prince, or at worst,
 “ not a Viceroy, but a tributary to the Mogul: there
 “ being some kind of tribute still considered as due,
 “ from these provinces to the Mogul, though it
 “ rarely, if ever, finds its way to Delhi. It appears
 “ by

“ by the Director's letters, that the Dutch, as well as we, consider him in this light.”

I must observe, that the Dutch, in order to give some colour for their complaints against the Company, made use of the following allegation, viz. “ The Mogul is sovereign of the country, and we derive from him, under repeated phirmaunds, a right to a free navigation from thence to other places; and this right we cannot be deprived of, without infringing the phirmaunds of the Great Mogul, which the Nabob, who is only governor of a province, is not authorized to do.”

And it was in answer to this allegation the declaration abovementioned was made by your Directors, who now find themselves under the fatal necessity, on behalf of the Company, of making use of the same reasons for justifying their conduct towards me, as the Dutch made use of to justify theirs towards the Company.

As to the 2d reason assigned by your Directors, it might, perhaps, have been well for the proprietors, had it never been in their power to have employed it. But as it is assigned as such, I will answer it as I would have done, at the time it was offered by them, without any regard to what has happened, since that may have deprived them of the use they at first proposed from it.

There are numbers of instances of Jaghires now subsisting, that have been granted by former Nabobs: there are many, even on the Company's own lands, of which the Directors might have been informed by the proper officer appointed for surveying those lands, who is now in England; and they might also have been informed, that there were many Jaghires granted by the Nabobs Surajah Dowla and Meer Jaffer also existing. But enquiry here, seemed not necessary; the Directors at once boldly affirm, my Jaghire to be determined by the removal of Meer Jaffer from the throne, since the grant did not, as they allege, bind his successor; without the least consideration of the natural inference such an assertion might produce.

I have

I have before taken notice, that his Majesty's arms, and those of the Company, by the revolution brought about whilst I was the Commander in Chief, acquired the great power and influence the Company enjoyed in Bengal, when I left that country; and that that power after I came away, was made use of to depose the Prince who sat on the throne whilst I was there, and, to establish Mahomed Cossin Cawn in his stead. It is under these circumstances, that the Directors make use of the 2d reason. Now to give that reason its utmost latitude, it can amount to no more than an admission from the Company, that I had once a good right to require from them the payment of my Jaghire: but that this right is now defeated by a subsequent act, entirely effected by their own agents abroad. The weight and justice of this argument I leave to your considerations.

Before I quit this head, I must beg leave to take notice of the forms agreed on between the Company, and Mahomed Cossin Cawn, which may be seen in the Appendix, and by which it will appear, that Meer Jaffier was to remain Nabob to all purposes, except the executive part of the government, which was to be the province of the new Nabob. This being the basis of that revolution, if it may be so called, it will appear, that the Nabob, Meer Jaffier still remained Nabob of Bengal; and it is well known, that he did till lately, reside at the Company's factory, at Calcutta, in princely state; and even supposing my Jaghire to be good no longer than the reign of the person who granted it, it would be still subsisting. However, your Directors do now in effect declare, that they will retain my Jaghire for the benefit of the Great Mogul (who would certainly be glad to receive it, as Cossin Ally would readily give any directions touching that matter the Directors think proper to suggest to him) and that, in prejudice to me and their country; though they at the same time are influenced to retain the rents of the lands granted to them, not only by Cossin Cawn, but also by the Nabob Meer Jaffier, in prejudice to the Great Mogul.

As to the 3d reason; here I must beg leave to observe, that the titles of honour used in Europe, are unknown to the Indians; their titles of honour are distinguished only by a number of Azaras, or one thousand, from two to ten thousand horse, which is the highest, and was the title of the son of the Great Mogul: the number of six thousand expresses the dignity of an Omrah, but not any less number; and the equipage of the person on whom such honours are bestowed, are proportioned by the usage of the country to his rank. Hence it will appear, that of necessity, no person can be ennobled in India, unless the rank and number he is appointed to, be expressed in the patent; and this is a mere compliment, which does not lay any obligation on the part of the person receiving such honour, to render to the Mogul any services whatsoever; and to affirm the contrary, it must be presumed that the Nabob, in the present case, applied to the Mogul to take me into his service: who, in such service, might (if the Emperor meant to recover the ancient dominion of his empire, or the payment of his annual tribute) be employed against the Nabob himself, if military services were to be rendered to the Mogul; which would be an absurdity to suppose.

But the true intent of the honour, was no more than a personal favour to me, and to give me rank amongst the Princes and great men of that country; and may have been of service to you in my negotiations and transactions with them. Monsieur Dupliex, the commander in chief of the French forces in India, obtained a title of honour, inferior to mine, and had several Jaghires granted him by the Nabob of the Decan in lands, ceded to the French Company, which he enjoyed for several years after he returned to Europe, and indeed until the lands, upon which the Jaghires were granted, were taken from the French. And Monsieur Dupleix considered his title of honour, as an advantage to the French in those parts.

As to the 4th reason, it is well known, was I obliged to pursue my remedy in the Mayor's Court, that the judges of that court are dependants upon the Company: the appeal lies to their president and council,
 nay

may the person employed on my behalf, must be dependant on the Company. As to my resorting to the courts of the Emperor or the Nabob, no mandate or process from any such courts could be enforced against the Company; and were these reasons to prevail, every avenue to justice would be blocked up, and I should enjoy the satisfaction in my own mind, of having a right to what I now demand, without any remedy to obtain it.

I shall end this memorial with some observations on the Company's affairs, at the time the loss of their possessions in Bengal happened, and the regaining those possessions, with all their present great advantages.

When the news of the misfortunes in Bengal first reached Madras, the whole town was flung into a consternation, equal to that of the Court of Directors, when the first advices of it were brought to England. I leave it to Mr. Payne, who was then at the head of the Direction, to describe what he and others suffered from their apprehensions for the Company. Indeed it is the general opinion, that nothing but the sudden advice of the recovery of that valuable settlement, which followed so close upon the news of its loss, could have prevented the Company's sinking under such a misfortune.

It was the unanimous opinion of the Governor and Council of Madras, that the Company could not exist without their possessions in Bengal. The coast of Coromandel was a burthen to them; instead of defraying the Company's expences, out of the profits of its trade, it had incurred a debt of near half a million. Bombay and the West Coast (free from all disturbances) scarce paid their expences; so that there remained only a few ships to China, for the Company's support. These considerations, and a thorough persuasion that the Company must fall, if Bengal was not recovered, induced the Governor and Council of Madras, to send such a force as might answer that purpose: I was the person fixed upon to execute their designs; and as the force sent was more than could be spared, consistent with the safety of the Company's possessions on the coast of Coromandel,

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at that critical time (being just at the eve of a war with France) they invested me with a power, independant of the Governor and Council of Fort William, that when the Company were re-instated in their possessions, they might be able to recall such part of the forces under my command, as might be thought consistent with the Company's interest, in other parts of India.

As soon as the sufferers of Bengal were restored to their habitations, by the re-taking of Calcutta, and to peace, by the defeating of Surajah Dowla, they called upon me to give up that independant power, which the Governor and Council of Madrafs had thought proper to intrust me with, which demand I could not comply with, without being guilty of a breach of trust.

This circumstance laid me under many difficulties, both with the gentlemen of Bengal and Madrafs. The Governor and Council of the latter had sent me positive orders to return with a part of the forces under my command, after the capture of Charnagore, and not knowing the cause, could not account for my disobedience; the many dreadful consequences to which I exposed myself, in case of a miscarriage, did not escape my reflection. I was under these difficulties, when we began our march to dethrone Surajah Dowla.

Mr. Watts had settled every thing with Meer Jassier, and the other great officers of state, who had all engaged in the most solemn manner, to declare themselves, and join us with a large force, before we came to action. We marched within twenty miles of the Soubah's army, and then halted, to receive intelligence of the motions and intentions of our friends; when to our great surprize, Meer Jassier gave us no hopes of his being able to join us, but expressed great apprehensions of his and our letters being intercepted, and himself being put to death. I wrote repeatedly to him, to insist upon his performing his engagements, and to join us, if it was only with 500 men. This had no effect; I then called a council of war, and put the question, Whether with our own forces alone, and
without

without the prospect of assistance from Meer Jaffier, we should march, and give the Nabob battle, and it passed in the negative. After this, I received a letter from Meer Jaffier, that the Nabob suspecting his designs, had made him swear on the Koran, that he would not fight against him, and that he could not give us his assistance. Let the Proprietors paint to themselves what I must have suffered, under such a complication of distressed circumstances; and let the Directors remember, that under all these disadvantages, I took upon me to march, and the English arms alone gained the battle of Plassey. It is true, the Directors, in their first flow of gratitude, conferred upon me an honour, I believe, never paid to any other before, or since, by addressing a letter of thanks to me alone, signed by the whole court; and that I might be convinced of the sincerity of their sentiments, they sent no less than six or eight of them, which I have in my possession. But as length of time, and circumstances, seem to have produced another way of thinking in these gentlemen, I hope the Proprietors will excuse me, if I assert, for the last time, that by the great acquisitions of wealth obtained by this event, and by the large sums of money paid into their cash, for bills, the Company were enabled to supply every exigence, and answer the demands of every settlement in India, during the whole course of the war. To Madras alone, was sent upwards of 300,000*l.* which must inevitably have fallen, without such assistance; and with that place, all India. The Company who used to send to India several hundred thousand pounds a year, in bullion, were relieved from that difficulty; which, at such a juncture, they never could have surmounted; and from February 1758, the time they received the advice of our success, to this day, they have sent very little to the coast, and still less to Bengal; so that this alone has been a saving to the nation of some millions sterling. The lands ceded to the Company by Cossin Cawn, and all the advantages gained by the deposition of Meer Jaffier, must appear as much a consequence of the battle of Plassey, as the advantages which were gained

gained immediately after that victory: the whole amounting to 700,000*l.* a year, may, at ten years purchase, be valued at seven millions sterling; the restitution made to the sufferers of Calcutta, and what was given by Meer Jaffier to the navy, army, and others, may be reckoned at 2,000,000*l.* fortunes acquired since; at a moderate computation, 1,500,000*l.* the Company themselves likewise received from Surajah Dowla and Meer Jaffier, 1,500,000*l.* upon the whole, a clear gain to the nation of twelve millions sterling.

I shall conclude this subject with appealing to the Court of Directors, for the truth of these facts, and call upon them to declare whether they think without the battle of Plassey, and its consequences, the East India Company would have been at this time existing? As great numbers of the Proprietors may be unacquainted with these transactions, I hope they will excuse the necessity I have been under, of laying the whole before them, which I submit to their consideration, justice, and candour.

CLIVE.

A P P E N D I X.

(Meer Jaffier Cawn Bahadr
A servant of the King
Allumgur the Invincible.)

(Rajah Dulubram Bahadr
A servant of the King
Allumgur the Invincible.)

Treaty executed by Meer Jaffier, (wrote in his own Hand.)

I SWEAR by God, and the Prophet of God, to abide by the terms of this treaty whilst I have life.

*Meer Mahmud Jaffier Cawn Bahadr,
a Servant of the King Allumgur,*

Treaty made with the Admiral and Colonel Clive Sabut Jung Bahadr, the other Counsellors Mr. Drake and Mr. Watts.

1st. Whatever articles were agreed on in time of peace with the Nabob Surajah Dowla Munfur Ulme-maleck Shah Kully Cawn Bahadr Strybut Jung, I agree to and comply with.

2d. The enemies of the English are my enemies, whether they be Indians or Europeans.

3d. All the effects and factories belonging to the French in the provinces of Bengal (the Paradise of nations) and Bahar and Orixá, shall remain in the possession of the English; nor will I ever allow them any more to settle in the three provinces.

4th. In consideration of the losses which the English Company have sustained by the capture and plunder of Calcutta by the Nabob, and the charges occasioned by the maintenance of their forces, I will give them one crore of rupees.

5th. For the effects plundered from the English inhabitants of Calcutta, I agree to give fifty lacks of rupees.

6th. For

6th. For the effects plundered from the Gentoos, Mussulmen, and others, subjects of Calcutta, twenty-five lacks of rupees shall be given.

7th. For the effects plundered from the Armenian inhabitants of Calcutta I will give the sum of seven lacks of rupees. The distribution of the sums allotted the natives, English inhabitants, Gentoos, and Mussulmen, shall be left to the Admiral and Colonel Clive Sabut Jung Behadr, and the rest of the council, to be disposed of by them to whom they think proper.

8th. Within the Ditch which surrounds the borders of Calcutta are tracts of land, belonging to several Zemindars; besides this I will grant the English Company six hundred yards without the ditch.

9th. All the lands lying to the south of Calcutta, as far as Culpee, shall be under the Zemindary of the English Company; and all the officers of those parts shall be under their jurisdiction; the revenues to be paid by them (the Company) in the manner with other Zemindars.

10th. Whenever I demand the English assistance, I will be at the charge of the maintenance of their troops.

11th. I will not erect any new fortifications below Hugly, near the river Ganges.

12th. As soon as I am established in the government of the three provinces, the aforesaid sums shall be faithfully paid.

Dated 15th Ramsan, in the fourth year of the reign.

Translation of the Sunnod granted to Col. Clive.

1758.

HIS MAJESTY,

ON Saturday the 12th of Rebbeasame, in the fourth of the glorious and happy reign, and the 1171 year of the Hedgerie, in the Kessalla of the Glory of the Nobility, and Rank of Ameers, the Shrine of Grandeur and Dignity; instructed both in the ways of Devotion and Wealth, to whom the true Glory of

Religion and Kingdoms is known; the Bearer of the Lance of Fortitude and Respect, the Embroiderer of the Carpet of Magnificence and Greatness, the Support of the Empire and its Dependencies, to whom it is intrusted to govern and aggrandize the Empire, and Conductor of Victory in the Battles fought for the Dominion of the World; the Distributer of Life in the Councils of State, to whom the most secret Recesses of the Mysteries of Government are discovered; the Master of the Arts of Penetration and Circumspection, the Brightness of the Mirrour of Truth and Fidelity, the Light of the Torch of Sincerity and Integrity, who is admitted to, and contributes to, the Determinations of the Royal Councils; a Participator of the Secrets of the Penetralia of Friendship, who presides equally over the Sword and Pen; Moderator of the Affairs of the Earth, Chief of the Cawns of the most exalted rank, the Pillar of Ameers of the greatest Splendor; the Trust of the zealous Champions of the Faith, the Glory of Horses in the Fields of War, and Administrators of the affairs of the immoveable Empire; Counsellor of enlightened Wisdom and exalted Dignity, adorned with Friendship and Honours, endowed with Dignity and Discretion. Pillar of the Dominions of Solomon, the Distributor of Glory, Buxey of the Empire, Ameer of Ameers, Hero of the Empire, Tiger of the Country, Mahmud Ahmeed Cawn, the brave Tiger of War, the Commander in Chief of the Forces glorious by Victory; the Tiger of Hind, mighty in Battle.

And in the time of the Waga Magarree of the least of the domestics of the Court of Glory and Majesty Sookaah.

This was written, the command (above) was passed, that Colonel Clive, an European, be favoured with a Munsub of the rank of 6000 and 5000 horse, and the title of "Flower of the Empire, Defender of the Country, the Bravo firm in War." This was entered the 10th day of Rebbeasame, in the 4th year, according to the original Yaddast.

FROM of the SIGNING.

To the Glory of Nobility, and Rank of Ameers, the Shrine of Grandeur, Dignity instructed, &c. Be it entered in the Waka.

According to the
account sent by the
Vicer of the Em-
pire, Administrator
of all affairs taken
from the
account
under the
Seal of
Rampur-
land Va-
kel, of
the Na-
gem of
Bengal.
6000 Rank
5000 Horse

After the man-
ner of the
Waka, it is
concluded.

Written on the Day above-mentioned of the same Moon, of the glorious happy Reign.

The Copy of this Sunnud was en-
tered in the Books of Waka Pa-
garree, on the 14th of Rabbatams,
in the Fourth Year of his Ma-
jesty's reign.

Sun, 1171. The Servant of Allumgeer,
the Warlike King, whose Glory is e-
qual to that of Jumhad, mighty in
War; the Flower of the Country,
Chief of the Forces, the Glory
of Victory; the Tiger of Hind,
Mahmud Ahmeed Cawn,
the brave Tiger of War,
Buxey of the Empire,
Ameer of Ameers,
the Tiger of the
Country,
Sun 4.

Entered in the Duan's Office, in
the 25th of Rebbesanne, in the
4th Year of his Majesty's Reign.

Sun, 1167, the Slave of
Alumgeer, the War-
like King, Soo-
kaab, Sun the
First.

The Copy of this Sunnud was sent
to the Office of the Waka Nigar-
ree, on the 14th of Rabber Sam-
me, in the 4th Year of his Ma-
jesty's Reign.

The Slave of Alumgeer, the War-
like King, the Flower of the
Country, brave in War,
the glory of Wealth,
Zechaza Cawn,
Behadre, 4
Sun, of
Reign.

NUMBER III.

1758.

Translation of a Perwannab (or Order) from the Nabob Shujah Ulmulk Hossam o'Dowla Meer Mahinud Jaffier Cawn Bahdr Mohabut Sung, to the Honourable President and Council.

BE it known to the noblest of Merchants, the English Company, That whereas the Glory of the Nobility, Zubdut Ulmulk Nussiera Dowla Colonel Clive Subat Jung Behadr, has been honoured with a Munsub (or title) of the rank of 6000 and 5000 horse from the Imperial Court, and has exerted himself, in conjunction with me, with the most steady attachment, and in the most strenuous manner, in the protection of the imperial territories; in recompence thereof, the Pergana (or county) of Calcutta, &c. belonging to the Chusta (or jurisdiction of Hughley, &c. of the Sircar Sauntgaum, &c. (or treasury) dependant on the Calsa Shereefa and Jagueer, amounting to two hundred and twenty-two thousand nine hundred and fifty-eight Sa. Rs. and something more, conferred by the Dewannee Sunnud (or King's Lord Treasurer of the province) on the English Company, as their Zemindarrie, commencing from the month Poos, (or December) in the eleven hundred and sixty-fourth year of the Bengal style, from the half of the season Rabbee Sooscanneel, in the eleven hundred and sixty-fifth year of the Bengal style, is appointed the Jagueer of the glory of the nobility aforesaid. It behoves you to look upon the abovementioned person as the lawful Jagueerda (or Lord) of that place; and in the same manner as you formerly delivered in the due rents of the government, according to the Kifsbundee, (or written agreement) into the treasury of the court, and the Jagueer taking a receipt under the seal of the Drogha (or Receiver-General) and Mushtreef, and Treasurer; now in like manner

manner you are regularly to deliver to the above-mentioned Jagueerdar the rents, according to the stated payments, and receive a receipt from the aforesaid person. Be punctual in the strict execution of this writing. Written the first of Zeckaida 6d. fun (or year) of the reign.

It is passed.

(The Nabob's mark.)

N. B. Endorsements.
(The Royran's signing.)

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Copied in the books of entered in the books of the Huzzoor, the Dewannee, the 1st of the 1st of the Mohurum, the 6th fun (or year) of the reign, the Mohurum, the 6th of the reign.

N. B.

Signed by the Dewannee
Peshker, or Accomptant
Secretary.

N. B.

Signed by the Nabob Nloon.

Explanation of the Terms used in Colonel Clive's Perwannah for his Jagueer.

Perwannah, A warrant, or a letter from any person in a superior station to a dependant.

Munsub, A dignity.

Calia Shereef, The office in which all the King's accounts are passed.

Jagueer, Lands assigned by the King for the maintenance of a Munsubdar, or contradistinction to the Calix. It signifies the revenues appropriated to the use of the Subahdre and his family.

Dewannee, The Dewan is the King's agent for the collection of his revenues.

Rebbee. The year in all public registers is divided into two seasons, the one called Kherief, which comprehends the months of Affin, Cartie, Aghun, Poos, Maug, Phagum; the other Cheif, Byfaac, Int, Affar, Sawun, Bhadun. The latter half of the season Relba

commences 1st of the Month Assar, on the 12th of June, from which time the Jagueer takes place.

Kisbundee, A contract from the acquittance of a debt by stated payments.

Huzzoor, Literally the presence, applied by way of eminence to the Nabob's court.

Hoskaneel, I have not had time to inform myself of the exact meaning of this word, but believe it to be the name of the present year, the registers of this empire accounting a perpetual revolution of twelve years, each of which is differently named.

A LETTER to ROBERT CLIVE, Esq;

S I R,

OUR most serious attention has been devoted to the commands of our Honourable Employers *per* Hardwick, naming a rotation of Governors for the future management of their affairs at this settlement; and having duly weighed the nature of this regulation, with all its attending consequences, a sincere conviction of its being, in our present situation and circumstances, repugnant to the true interest of our Honourable Masters, and the welfare of the settlement in general, obliges us (though with the utmost respect and deference) to believe, that had our employers been apprized of the present state of their affairs in this kingdom, they would have placed the presidentship in some one person, as the clearest and easiest method of conducting their concerns, as well as preserving and maintaining the weight and influence the late happy revolution has given us with the Soubah of these provinces; on which influence, at the present period, the interest and welfare of the Company depends in the highest degree at this settlement. The difficulties we may be liable to by a rotation in the executive part of government, with its consequences, are sufficiently obvious in our present state of affairs: we will, however mention, only a few points. The treaty with the Nabob not perfected in all its branches; the possessions of the lands incomplete; the set-

settlements in no posture of defence; the French considerably reinforced with military and a fleet; their designs with respect to Bengal hitherto unknown; and the impossibility of impressing a proper idea of this divided power in the minds of the Soubah and others of this kingdom, who have at all times been accustomed to the government of a single person. A little reflection will introduce many more, and clearly evince the necessity of this address.

The gentlemen nominated Governors, in the Hon. Company's commands *per* Hardwick, have the highest sense of gratitude for the honour conferred on them by our Employers in their appointment, but deem themselves in duty bound, at this juncture of affairs, to wave all personal honours and advantages; and declare, as their sentiment, That a rotation in the executive part of government, for the foregoing reasons, would be extremely prejudicial to the real interest of the Company; in which opinion we unanimously concur, and judge it for the welfare of our Honourable Employers, and of the settlement in general, to deviate in this instance from the commands of our Honourable Masters, and fix the Presidentship in a single person, till we hear further from Europe.

Your being named as head of the General Committee (in the letter of the third of August last) established at that time for conducting the Company's affairs in Bengal; your eminent services, abilities, and merit, together with your superior weight and influence with the present Soubah and his officers, are motives which have great force with us on this occasion, and all concur in pointing out you as the person best able to render our Honourable Employers necessary service at this juncture, till they shall make their further pleasure known, by the appointment of a President for their affairs here.

These reasons urge us to make you an offer of being President of the Company's affairs in Bengal, till a person is appointed by the Honourable Company; and we flatter ourselves you will be induced to accept of our offer, from your wonted regard to the interest of our Honourable Employers, and zeal for the welfare

fare of their affairs, which, we doubt not, you are, as well as ourselves, convinced will be much prejudiced by a rotation in the executive part of government.

We want your reply, and have the honour to be,

S I R,

Your most obedient

and most humble Servants,

Fort William,
26th June, 1758.

Wm. Watts.
C. Manningham.
Rich. Becher.
M. Collett.
W. Mackett.
Tho. Boddam.

Minutes out of the Court Books of the East India Company.

AT a Court of Directors held, on Wednesday, February 6, 1754, minutes of the Committee of correspondence, dated the 5th instant, being read, it was unanimously

Resolved, That a sword set with diamonds, to the value of 500l. be presented by the court to Captain Robert Clive, as a token of their esteem for him, and sense of his singular services to the Company upon the coast of Coromandel.

At a general court held on Wednesday, December 21, 1757, on a motion, and the question being put, it was

Resolved, That the thanks of the general court be given to Lieutenant Colonel Robert Clive, for his eminent and signal services to this Company.

At a general court held on Wednesday, Sep. 24, 1760, the chairman from the Court of Directors informed this court, that such important services had been rendered to the Company in the East Indies by Vice-Admiral Pocock, and the Colonels Clive and Lawrence, as appeared from the accounts formerly laid before this court, and lately received, to demand some farther marks of the Court's sense thereof than

than had been already expressed; and moving the Court thereupon, it was on the question

Resolved unanimously, That the thanks of this Court be given to Vice-Admiral Pocock, Colonel Robert Clive, and Colonel Stringer Lawrence, for their many eminent and signal services to this Company.

And another motion being made,

Ordered, That the Chairman, and Deputy Chairman, wait upon those Gentlemen, and acquaint them with this mark of this Court's great regard for their services.

And another being made, it was on the question

Resolved unanimously, That the Chairman and Deputy, when they wait upon Vice-Admiral Pocock, Colonel Clive, and Colonel Lawrence, will desire those Gentlemen to give their consent that their Portraits and Statues, be taken, in order to be placed in some conspicuous parts of this House; that their eminent and signal services to this Company, may be ever had in remembrance.

N U M B E R I.

*Copy of the Company's Letter to Colonel CLIVE, dated
March 8, 1758.*

S I R,

OUR sentiments of gratitude for the many great services you have rendered to this Company, together with the thanks of the General Court, have been hitherto conveyed thro' the channel of our general letters, but the late extraordinary and unexpected revolution in Bengal, in which you had so great a share of action, both in the Cabinet and the Field, merits our more particular regard; and we do accordingly embrace this opportunity of returning you our most sincere and hearty thanks for the zeal, good conduct, and intrepidity, which you have so eminently exerted on this glorious occasion, as well as for the great and solid advantages resulting therefrom to the East India Company.

We

We earnestly wish your health may permit your continuance in India for such further term as will give you an opportunity of securing the foundation you have laid, as likewise to give you assistance in putting the Company's Mercantile and Civil affairs on a proper and advantageous footing, upon the plans now transmitted.

For this purpose, as well as in consideration of your eminent services, we have appointed you, Governor and President of Fort William in Bengal, and its dependencies, in the manner mentioned in the General Letter by this conveyance; to which we have annexed an additional allowance of one thousand pounds a year, as a testimony of our great regard for you.

We are, your loving Friends,

London,
March 8, 1758.

John Dorrien	John Payne,
G. Stevens,	Lau. Sullivan,
Charles Chambers,	J. Raymond,
John Brown,	Chris. Burrow,
M. Western,	M. Impey,
Hen. Hadley,	John Manship,
Timothy Tullie,	Tho. Phipps,
Cha. Gough,	John Raymond,
Tho. Saunders,	Rob. Jones.

To the Hon. Robert Clive, Esq;

N U M B E R II.

*Company's General Letter to Bengal, dated March 8,
1763.*

Paragraph I N our Letter of the 3d instant, we la-
the 23d. mented the situation of the many unhappy people who had lost their property on the capture of Fort William, and had no relief from the treaty concluded with the late Nabob; in compassion

to their sufferings we recommended your applying to him on their behalf for relief, if you had the least probability of succeeding. It is with great pleasure we find, that the late happy revolution and your care, have produced what we had very little reason to expect from the late Nabob. A grant from the present Nabob of such large sums to make good the losses of the several inhabitants, as we are satisfied are much more than sufficient to indemnify them, even with interest thereon. Altho' the Nabob gives the Company a crore of rupees, yet, when the immense expence of maintaining the settlement at Fulta, the military charges of our troops from Fort St. George and Bombay, and the hazard those presidencies have been exposed to by drawing them off from thence, the charges of fortifications and rebuildings, replacing stores, increase of our garrison, the loss of a season's investments, if not more, and many other obvious particulars are taken into the account, it will appear that the Company will still be considerable sufferers; it is highly reasonable therefore, if the several inhabitants are paid out of the money stipulated in the treaty with the Nabob for that purpose, the full amount of their respective losses, together with interest thereon, that all the surplus should be applied to the Company's use. We shall expect to hear you have acted in this manner, and that such surplus has been accordingly deposited in our cash; and we direct that you observe this as a rule for your conduct, in the distribution of any further sums of money on this account. We do not intend by this to break in upon any sums of money which have been given by the Nabob to particular persons by way of free gift or gratuity for their services, it is the surplus of the sums we mean which are agreed to be paid by the Nabob in the 5th, 6th, and 7th articles of the treaty with him. It is thought proper here to acquaint you, that such surplusses, whatever they are, we propose to expend in such manner, as will tend to the general utility and security of the settlement, they are therefore to be reserved for our farther

farther orders: and you are hereby directed to transmit us, for our information, exact accounts of every person's loss, whether English or other inhabitants, on the late capture of Fort William, and what has been paid to each of them in particular, by way of indemnification for the same, out of the monies granted by the Nabob for that purpose.

Translation of a Treaty between the Nabob Meer Mahmud Coffin Cawn and the Company.

(Company's
Seal.)

(Meer Mahmud
Coffin Cawn Bahader.)

TWO treaties have been written of the same tenor, and reciprocally exchanged, containing the articles undermentioned, between Meer Mahmud Coffin Cawn Bahader, and the Nabob Sheemso Dowla Bahader, Governor, and the rest of the Council for the affairs of the English Company, and during the life of Meer Mahmud Coffin Cawn Bahader, and the duration of the factories of the English Company in this country, this agreement shall remain in force. God is witness between us that the following articles shall in no wise be infringed by either party.

Article I. The Nabob, Meer Mahmud Jaffier Cawn Bahader, shall continue in possession of his dignities, and all affairs be transacted in his name, and a suitable income be allowed for his expences.

Art. II. The Neâbut of the Subadarne of Bengal, Azemabad, and Cerissa, &c. shall be conferred by his excellency (the Nabob) on Meer Mahmud Coffin Cawn Bahader; he shall be vested with the administration of all affairs of the provinces, and, after his excellency, he shall proceed to the government.

Art. III. Betwixt us, and Meer Mahmud Coffin Cawn Bahader, a firm friendship and union is established; his enemies are our enemies, and his friends are our friends.

Art. IV.

Art. IV. The Europeans and Talingas of the English army, shall be ready to assist the Nabob Meer Mahmud Cossin Cawn Bahader, in the management of all affairs; and, in all affairs dependant on him, they shall exert themselves to the utmost of their abilities.

Art. V. In all charges of the Company, and of the said army and provinces for the filled, &c. the lands of Burdwan and Midnapoor, and Chittagaum shall be assigned, and sunnuds for that purpose shall be written and granted: the Company is to stand to all losses, and receive all the profits of these three countries; and we will demand no more than the three assignments aforesaid.

Art. VI. One half the chunams produced at Silet for three years, shall be purchased by the Gomastah of the Company from the people of the government, at the customary rate of that place. The tenants and inhabitants of those districts shall receive no injury.

Art. VII. The balance of the former tuneaw shall be paid according to the kistbundee agreed upon with the Royroyans; the jewels which have been pledged shall be received back again.

Art. VIII. We will not allow the tenants of the Sircan to settle in the lands of the English Company; neither shall the tenants of the Company be allowed to settle in the lands of the Sircan.

Art. IX. We will give no protection to the dependants of the Sircan in the lands, or in the factories of the Company; neither shall any protection be given to the dependants of the Company in the lands of the Sircan; and whosoever shall fly to either party for refuge shall be given up.

Art. X. The measures for the war or peace with the Shah Zada, and raising supplies of money, and concluding both these points, shall be weighed in the scale of reason, and whatever is judged expedient shall be put in execution; and it shall be so contrived, by the joint counsellors, that he be removed from this country, nor suffered to get any footing in it: whether there be peace with the Shah Zada or not, our agreements with Meer Mahmud Bahader, we will (by the
grace

grace of God) inviolably observe, as long as the English Company factories continue in this country.

Dated the 17th of the month Jeffer, in the year 1174 of the Ucira.

(Sign manual of Meer Mahmud Coffin Cawn.)

This was sealed on the 18th of the month of Jeffer, in the eleven hundredth and 74th year of the Ucira, and the propofals are agreed to.

COUNSELLOR *****s
 L E T T E R
 TO THE
 PROPRIETORS of EAST-INDIA STOCK,
 ON THE SUBJECT OF
 LORD CLIVE's JAGHIRE,
 OCCASIONED BY

The preceding LETTER of his LORDSHIP on
 that Subject, published in the Year 1764.

Saturday, April 28, 1764.

AS the noble Lord, to whom the supreme command, civil and military, of your settlements and armies in Bengal, was lately offered by a resolution of a General Court, has thought fit to insist on certain terms as the conditions of his accepting that appointment; as you are now called on by an advertisement in the news-papers to meet again on Wednesday next for the purpose, as it is generally understood, of considering and deciding on those terms, one of which is said to be your acquiescence in his Lordship's claim to a rent or tribute of 30,000*l.* a year for lands in the Company's possession in that province; as this claim is of a nature not very generally understood; as it is nevertheless of infinite importance to the Company, that it should be rightly understood before it is determined; and as it is probable the proceedings of the next General Court, like those of the former, will be conducted with so much violence and disorder,

E

by

by persons interested to misrepresent and mislead, that it will be difficult, perhaps impossible, to explain it there; for all these reasons, a Proprietor and friend of the Company takes this as a more eligible method of offering you his sentiments, the result, however hastily expressed, of proper information and of cool and dispassionate inquiry.

It will be necessary to premise, lest more should be expected than is intended, that I do not mean to meddle with any other parts of the letter addressed to you by the noble Lord, and published at the eve of the late election, than such as relate to this claim; nor to advert to that letter at all, further than is material to the subject in my own way of considering it.

Without further preface then, which perhaps is not necessary; or, if it be, the time will not allow; I proceed to the consideration of the several questions, into which the subject seems naturally to resolve itself. 1. The propriety of the noble Lord's conduct abroad in relation to the subject matter of his claim. 2. The validity of his claim. And 3. The probable consequences of your acquiescence in it.

To understand the first of those questions rightly, it is necessary you should have a right notion of the state of the country, and of the Company's affairs there at that period.

You will recollect, that Surajah Dowla, the reigning Soubah of Bengal, having plundered your settlements, destroyed many of your servants, and driven out the rest from his dominions, to recover those settlements and prosecute this war on the part of the Company, a fleet and army was sent from Madras. This armament arriving safely, and its first operations proving successful, the Soubah found himself constrained to enter into a treaty, restoring your settlements, and engaging to restore or make satisfaction for the plunder: but his motions indicating an intention to disregard this treaty, and, as the noble Lord says, to extirpate the English as soon as the troops and Squadron left the river; it was judged necessary to renew the war, and to disarm him of the power of doing further mischief. Each side accordingly re-

occurred

curred to arms, and after some operations of little importance, in which the English were still successful, they obtained at length a decisive victory at Plassey.

To whom our thanks were due for these successes, whether the merit, as well as the honour, of that victory is to be wholly ascribed to the noble Lord, as his zealous friends would persuade us, or what degree of credit is due to the whispers then very current in India, which have since found their way to Europe, and point our gratitude to other objects, it is foreign to our present purpose to inquire. Having no resentments to gratify, nor any spleen to indulge, I confine my inquiries into the noble Lord's conduct to such parts of it only as respect the question before us.

It suffices then to observe, that the English arms, and the English arms alone, having obtained this victory, the Company were now the masters of Bengal; or (to use the noble Lord's words) "the Company acquired and had delivered into their hands the absolute power over the three provinces of Bengal, Bahar, and Orixá, whose ordinary annual revenues produce three millions and a half sterling, insomuch that they were enabled to set up and establish in the Soubahship any person they thought fit."

In this situation we are to inquire what ought to have been done, and what was done.

To shorten this inquiry, I decline going into a particular discussion of the question, whether it was most for your interest to set up a new Soubah, or retain the Soubahship in your own hands: A question on which some of the most able and best informed of the Company's servants differ in opinion, each supporting his own with arguments that deserve more consideration than we have leisure to afford them.

It is to be observed however, that the engagements entered into with Meer Jaffier, in the secret negotiation conducted by Mr. Watts, previous to the battle which ended in the defeat and death of the Soubah, do not appear to have afforded any just objection to the victors making whatever use of the victory they thought most proper; those engage-

ments being entered into, and the scheme of placing Meer Jaffier in a government to which he had no pretence of title being adopted, in expectation of that officer's active concurrence with the troops under his command in the execution of a plan by which he was to profit so largely, and under an engagement on his part so to do: Instead of which, instead of joining the English army, and acting against the Soubah, the crafty old traitor, determined in all events to secure himself, had actually rejoined the Soubah before the battle, and by his conduct at that time raised well-grounded suspicions of that insincerity of which the Company has since had so much experience: In the action itself he took no part, and so doubtful was it, what part he inclined to take, that it was thought necessary, when his troops advanced, to employ your artillery to compel him to retire. With so little merit, and so little faith on his part, there could be no reason for a scrupulous adherence, or indeed for any attention on yours to the engagements entered into with this man, who had himself so grossly neglected them.

It is to be presumed therefore, that the noble Lord was induced to prefer and to persevere in the plan of raising Jaffier to the Soubahship from an opinion, that the government of a native would be more readily submitted to, and would be equally beneficial to the Company; as the new Soubah was a creature of your own, raised by your arms, and without any other effectual resource for his future support: Nor does there appear, all circumstances considered, sufficient reason to pronounce, that those who entertained this opinion judged amiss. It may be doubted, whether a territorial sovereignty of such extent could be properly governed under the limited powers of a Company instituted for very different purposes: And it seems pretty certain, that in the necessary attention to this object the Company must have lost sight of the commercial principles of its original establishment, an establishment, which, in a country like ours, would perhaps be ill exchanged for all the revenues of the Soubahship, could they be safely collected and transmitted hither.

It

It cannot however be questioned, but that, with the power in your hands of disposing of the Soubahship itself in any manner you should think proper, it was the duty of those, who exercised this power on your behalf, to make such a disposition of it as would effectually secure to the Company the just and proper objects of the enterprise in which that power was acquired; and those were restitution and satisfaction for past injuries, and a proper establishment to prevent future.

For the first of those purposes a large sum of money was stipulated to be paid by Meer Jaffier. Let us see what care was taken of the second, and this is the material point of our inquiry.

In former wars among the country powers, your servants, minding their proper business only, affecting no other character than that of merchants, and taking no part with either of the contending parties, were wholly unconcerned in the event. Pretending to no power, they provoked neither jealousy nor resentment: Their supposed wealth exposed them now and then to exactions and oppressions, in common with the other inhabitants of the country; but Suraja Dowla was probably the first of the princes of Hindostan, who thought it his interest to extirpate them: in all changes of the government hitherto they were suffered, whoever prevailed, to go on as before, and were considered as a useful, industrious people, whose commerce enriched the country, and increased the public revenues. Perhaps it would have been happy for the Company, if they had never been known to the natives of Hindostan in any other character.

Your situation was now much changed. Having the whole in your power, you were now to determine, whether your future establishment in this country was to be wholly commercial, wholly military, or a compound of both. Having determined to place Meer Jaffier in the Soubahship, it was further to be determined, whether you should yourselves return to your old system, or adopt a new one.

Your old system was most agreeable to your constitution, and, if it could be safely pursued, more likely to produce you the regular returns you expect in Europe, than any scheme of power or conquest, however successfully executed. It might be hoped, that, under the protection of a Soubah of your own creation, you might be permitted to pursue your trade with at least as much advantage as heretofore, and enjoy the just profits of that trade unincumbered with military expences.

On the other hand it might be reasonably doubted, whether your settlements could now subsist in the defenceless condition they had hitherto been. Having taken up arms, and proved by your successes your superior skill in the use of them, it was to be feared the country powers, who had experienced the weight of your interposition, would lay hold of the first opportunity to crush an establishment they had found to be so dangerous and formidable. The new Soubah himself (reasoning only from the general treachery of the country, and without laying stress on his personal character more particularly stained with that vice) was unlikely, should he ever find himself firmly established, to be restrained, by motives of gratitude, from employing his power to the destruction of those who gave it him. As a more immediate danger, the successes of the French in the Deckan gave reason to apprehend a visit from them in Bengal; nor were they the only European neighbours, whose enterprises it behoved the Company to guard against. Beyond all this, it was not to be expected, that the newly appointed Soubah should be able to establish himself in that dignity, or maintain it a moment, without a continuance of the same support by which he had been raised to it. These reasons concurring seemed to evince the propriety of erecting new and expensive fortifications, and of raising a large military force to be kept in constant pay, provided this could be done without detriment to your trade. But it is obvious, to all who know the enormous expence of a military establishment in that country, that the
necessary

necessary charge of raising those fortifications, and maintaining that force, would exceed, perhaps in a quadruple proportion, the whole profits of your trade there. In short, the security of your trade required the protection of fortifications and a military force; and yet to adopt that plan, without some other fund to support the expence of it, was apparently destructive to the trade it was meant to support.

The obvious and only expedient was, to appropriate to this use a sufficient part of the revenues of the country, the whole of which were become your own by a much better title than they had been his from whom you took them: And this appears to have been the noble Lord's idea at the time of preparing the articles, which he instructed Mr. Watts to propose to Jaffier; one of which was, "That a tract of land be made over to the English Company, whose revenues shall be sufficient to maintain a proper force of Europeans and Seapoys to keep out the French, and assist the government against all enemies." †

For this purpose the 9th article of the treaty with Jaffier provides, that "All the lands lying to the south of Culpee shall be under the zemindary of the English Company, and all the officers of those parts shall be under their jurisdiction; the revenues to be paid by them in the same manner with other Zemindars." The treaty contains a further engagement on the part of the intended Soubah, to defray the charge of the English troops, when he should call for their assistance, whilst actually employed in his service: but, for the constant regular expence of maintaining an army in readiness to be so employed when called for, the 9th article before-mentioned is the only provision. By this article, the Company were to become Zemindars or renters of those lands, at the old rents usually paid by former Zemindars, amounting to near 30,000*l.* per annum. To derive any advantage from this you were to find under tenants to farm the lands at improved rents; and the difference between the old rents you were to pay, and the improved rents you might receive, whatever that should be was to be your profit, the fund

to support the future military establishment which the new system had rendered necessary.

The first observation, that strikes one on reading this article, is the strange impropriety of reserving these lands to the Company in the character of renters only, instead of retaining to your use the absolute property and dominion; inconsistently subjecting the Company to a dependence on that very government which your servants were then establishing, when the object of the reservation was a force to maintain an independance of that government, and indeed to continue the government itself for ever dependent on the Company. This dependence of Zemindars on the Soubah may be thought of little consequence, but it is not so. The noble Lord himself thinks otherwise, when he mentions it as one of the circumstances that gave him pleasure in reading his patent, "That the Company was thereby freed from all dependance on the government." I go along with the noble Lord in thinking it very desirable that the Company should be freed from this dependence; but if his Lordship thinks, that the proper way of freeing the Company was to substitute himself in the place of the government, there we differ.

The more important consideration however upon this article is, the competency of the fund it provides to the purposes for which it was provided. The nett produce of the lands for the first year (1758) I am well informed, was 14,041 l. 3s. after discharging the rent. From that time the Company have received no regular accounts; but the sums paid into the treasury at Calcutta, subject to the rent and perhaps to other deductions, are as follow: For 1759, 43,749 l. 13s. — For 1760, 69,839 l. 14s. — For 1761, 73,800 l. 17s. — For 1762, 70,104 l. 13s. — On a medium therefore of these five years, the produce of these lands appears to have been about 60,000 l. a year, subject to a clear rent equal to one half of that produce, and the other half only is the fund, by which your military establishment was to be supported; a fund so disproportionate, that it is almost ridiculous to have been so minute in this part of our inquiry.

Yet

Yet to give you a general notion of the expence of a military establishment in Bengal, and at the same time to set you right in some facts, which through interest or ignorance have been strangely misrepresented (and which is the more necessary, as a project is said to be on foot for rendering this article still more expensive than it has hitherto been) it is fit you should know, that, from the accession of Meer Jaffier to the Soubahship in 1757 to the 14th of June 1760, (which was not long before his deposition) the whole sum paid into your Bengal treasury from every source, including the produce of your exports to that country, and all that could be got from the Soubah of the large sum he had stipulated to pay by way of reimbursement for your former losses and expences, and excluding only occasional supplies to Madras and your other settlements, was so fully exhausted by the vast charge of your military forces and military works added to the ordinary expence of the settlement, that Mr. Holwell, the then governor, in a letter of that date, which he has lately published, † representing to General Caillaud the then state of the settlement, tells him there remained in the treasury but one lack and a half of rupees, without any hope of a further supply, even by borrowing; so low was the Company's credit.—The bare pay of your troops, we learn by the same letter, amounted to 50,000 rupees a month, exclusive of the charge of military stores, &c. which he calls immense; and the charges of the works then carrying on amounted to nearly twice as much more. Those works were projected by the noble Lord, and carried on under his direction, as long as he thought fit to remain in India; and this article of expence alone is estimated at upwards of 580,000 l. sterling. So far is it from being true, as has been insinuated and indeed asserted, that, out of the vast sums paid into your treasury in consequence of the treaty with Meer Jaffier, you have been reimbursed your whole damages, losses, and expences, and enabled to carry on the whole trade of India for 3 years, besides supporting your military expences both in Bengal and Coromandel, that I have the best authority

† Mr. Holwell's address to the Proprietors, &c. p. 58.

rity to say, the whole of your exports to Bengal during that period have been absorbed by those expences, and your servants there obliged to draw upon the Company here for more than the value of your imports. Nay, even since the acquisition of an additional revenue, procured you by Mr. Vansittart, to the amount of near 600,000 l. a year, it is inconceivable how small a balance remains to the Company upon your whole revenue in that province, thus augmented, after defraying the expence of maintaining your present establishment.

Was it not then the duty of those, who on behalf of the Company adopted a military plan necessarily attended with such expence, to have reserved a fund in some degree adequate to support that expence; and will it be pretended that 30,000 l. a year was, or could be, under any management, and with any oeconomy, an adequate fund? I mean not, it would be unjust, to impute the neglect to the gentleman who settled the treaty with Jaffier (Mr. Watts.) Under the circumstances he was, it would be too much to expect from him a complete and perfect regulation of every thing necessary to be regulated between the future Soubah and the Company. It is indeed a high degree of merit in him to have done so much towards it; and he will be found, on a comparison of the articles he signed with those recommended to him, to have made a treaty upon the whole much more beneficial to the Company. It would be unjust too to the noble Lord to expect, that amidst the triumphs of victory, and the various objects which in consequence of that victory engaged his attention, he should set himself instantly to correct the mistakes, or supply the imperfections of that treaty. But surely, when the Soubah's treasury had been sufficiently examined, and the proper arrangements made there; when the new Soubah, "agreeable, we are told, to the custom of Eastern princes, had made presents to such of the English, who by their rank and abilities had been instrumental to the happy success of so hazardous an enterprise, suitable to the rank and dignity of a great prince." When the noble Lord in particular had, as he is pleased

pleased to tell us, indulged himself in this "honourable opportunity" of acquiring an "easy fortune;" and "the Company's welfare" was become "his only motive for staying in India;" when he had coolly considered the treaty at his leisure, had experienced the amount of your military expences, had informed himself of the value of the lands reserved by the 9th article, and consequently knew how inadequate this reservation was to its object; it might then not unreasonably be expected, that the noble Lord would have had so much attention to that welfare of the Company, which he stayed to promote, as to think of some means, while it was yet in his power, to make good a deficiency too visible to be overlooked, and too dangerous to remain unsupplied without certain ruin to the Company. If he had deigned to turn his thoughts to this subject, a much less degree of penetration, than his Lordship possesses, would have suggested to him, that the first step to be taken towards supplying this deficiency was to correct the treaty in this article; to procure a discharge, if it were necessary, from the Soubah to the Company of the rent improvidently agreed to be paid him; or, in substance, (whatever form it might be proper to use) to resume your property in those lands, and apply their whole produce (where it was so much wanted) to the purposes for which they had been set apart. By this step alone the fund would have been doubled and the Company delivered from that badge of subjection so unsuitable to those ideas of independence and superiority, which his Lordship in other instances appears to have adopted in their full extent.

The better to enable you to judge of what in those circumstances you had a right to expect, you will doubtless be glad to know what others of your servants in the like circumstances have done.

Every body knows, that on your first settlement in India, as traders by permission and under the protection of the princes of the country, your condition obliged you to submit to whatever terms those princes thought fit to require, as the price of that permission and protection. Besides pecuniary and other presents

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at first, some kind of annual acknowledgement, by way of rent or tribute for the districts allotted you, was generally insisted on.

In the Carnatick, for instance, you were required to pay an annual rent or tribute of 4000 pagodas, or some such sum, for your possessions on the coast of Coromandel; and it was accordingly paid till the late long expensive war on that coast, fomented, if not begun, as the noble Lord observes, on principles of French ambition, and now happily terminated by English valour. This has produced almost as great a change in your situation there, as that we have before spoken of has done in Bengal. Instead of continuing to carry on your trade as usual, under the protection of the Nabob of that province, you became his protectors, assumed a military character in his defence, and maintained him in a government, which without your support he must long since have lost. The relation between you and the Nabob being thus inverted, the rent or tribute was thought of no more. If your servants there had been actuated by a spirit of conquest, they might in their turn have required of the Nabob the like badge of his dependence on the Company. They judged better; they were content with a real, without a nominal superiority: still mindful of their duty, they lay hold of this opportunity to enlarge your possessions near Madras, (which had been found too narrow and inconvenient) by the addition of a neighbouring district of considerable value called the Poonomalel country, the whole of which they retained, and still retain, as the Company's property, carrying the whole produce to the Company's account, subject to no rents or jaghires, and in perfect independence of the Nabob, who had too much sense to expect, and had to do with people too attentive to your interests to submit to the payment of a rent for the small part they found necessary to retain of a principality, the whole of which had been more than once conquered for him by your arms.

In like manner in the Deckan, the Company intending, in the time of the Emperor Furruckseer, to form

form a settlement in the Isle of Divy, obtained a grant of that island under an annual rent, but were obliged to lay aside their scheme of settling there by means of the opposition it met with from the Soubah, and the subsequent troubles of that country. From hence your title lay dormant till 1759, when the successes of Colonel Ford against the French, having driven them out of that country, four large provinces, which Salabatjing, the present Soubah, had ceded to the French (or they, in other words, had taken from him) were given back to that prince; but the city of Masulipatam, being of importance from its situation to the Company's trade, was retained for the Company with several adjacent districts of near 100,000*l.* a year value, such a revenue being thought necessary to defray the expence of maintaining a sufficient force to defend this new acquisition. From that time you have been, and are still, in possession of the city and districts thus acquired as your own absolute property, and of Divy likewise; and the rent under which the latter was originally granted has never been demanded or thought of. The Soubah, sensible that the Company had all the right that conquest can give to the whole, rejoiced to find himself restored to that large tract of country which the French had obliged him to give up to them, with an exception of the small part the Company chose to reserve, their title to which he readily confirmed, and the payment of a rent for it was never dreamt of on either side.

To return to Bengal—When Mr. Vansittart in 1760 found it necessary to enlarge the Company's possessions, in order to make the military fund equal to the demands upon it, he required on your behalf, and procured “a much larger district of country (to use the noble Lord's words) than the Company had before enjoyed under the treaty with Meer Jaffier, together with a larger estate and interest in those lands, than they had in those before granted;—and, instead of reserving to the government the usual rents of homage which those lands were subject to, both the lands and those rents were granted to the Company.”

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Perhaps what has been said may suffice to satisfy you, that the same attention to the welfare of the Company which was shewn by your servants under similar circumstances in the Carnatick, in the Deckan, and in 1760 in Bengal, you had a right to expect from those who conducted your affairs in the last mentioned province in 1757; at least, that the noble Lord, who continued in India above two years after, the Governor of your settlements, and the Commander of your armies, should have corrected the impropriety of the treaty in this respect in the manner the interest and honour of the Company appear to have required.

That this might have been done at any time cannot be denied. The Soubah, who was not more indebted to you for his elevation, than dependent on you for the continuance of his government, who might have been, as he afterwards was displaced without commotion or bloodshed, and would have sunk into nothing, if you had discontinued your support; a creature, in short, in whose name the noble Lord was understood to govern the Soubahship in every thing in which he chose to interpose, must have submitted to this, or any other demand that might have been made on him. That this demand might have been justly made on him, supposing him less indebted to you than he was, and that it was even beneficial to him to have complied with it, is equally clear, if it be remembered that the force, which this revenue was wanted to maintain, was as necessary to his safety as to your own. More, I presume, need not be said to convince you, that if the Soubah, when it was proposed to him, or when he proposed (for it matters not which) to relinquish his pretensions to this rent in favour of the noble Lord, had been desired to do it in favour of the Company, he would with equal readiness have submitted to it.

In whose favour then ought this to have been desired? Or rather, to whose account ought this cession, when obtained, to have been carried? The Company (to adopt an expression of his Lordship's) had a particular claim, wanting it for a purpose in which the Soubah had an equal interest. His Lordship pre-
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tends not to any particular claim. The Soubah's generosity had been so suitable to the rank and dignity of a great Prince, that the noble Lord's fortune was easy, and he had received the reward of his honourable services. The Company's fortune in that country was by no means easy, and they were constantly rendering services for which they had no reward. You were surely then as proper objects of the Soubah's gratitude, whose troops and whose servants had made him what he was, as the noble Lord, who was only known to him as the leader of those troops, and the first of those servants; but to suppose that gratitude, or any consideration of that sort, had any part among Meer Jaffier's motives to the concession, is to forget the character of the man, and indeed of the country, as it is generally represented to us; and, not only so, is contrary to the fact, according to my Lord's account of it, from which it plainly enough appears, as the truth undoubtedly was, that it proceeded from a conviction in the Nabob, founded on the experience he had had, that it was impossible to support himself without the Company's assistance; and a consciousness that what he was desired to give his consent to part with might be taken from him, whether he consented or no; he gave up therefore what he knew he could not retain, having first discovered as much disinclination as he durst.

To do justice even to such a character as Meer Jaffier's, it is pretty clear that the same consciousness of the Company's power, the same desire of engaging the support of that power, and the same dread of its being otherwise employed, were the most prevalent, if not the only motives to acquiescence with the several other Princes, from whose dominions the Company has lopped off the acquisitions we have lately spoken of.

The noble Lord would have it understood, that Meer Jaffier's grant to him proceeded from his sense of the services that had been just then rendered him in the expedition to Patna, and the conviction he had of the value of such sincere allies. At whose expence and risque then was that expedition undertaken? Who
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were those allies, the value of which Meer Jaffier had then discovered? Who were the troops, and in whose pay was their Commander, by whom those services had been rendered, of which Meer Jaffier entertained this sense? Let us suppose what is not to be supposed, that Meer Jaffier, knowing nothing of the Company but the persons of its servants, had been really grateful; but had so far mistaken the proper object of his gratitude, as to have intended this favour for his Lordship, unasked and unsolicited, which the noble Lord confesses was not the case; was his Lordship to profit by this mistake, to the prejudice of the Company, whose servant he was, and whose service had enabled him to raise himself to a station for which most men would have thought, though his Lordship is pleased to think otherwise, they owed the Company something in point of gratitude?

But the noble Lord denies, that this claim of his can be attended with any prejudice to you. Having before told you, that the rest of his fortune, arising, as he says, from the grateful bounty of the Nabob, and for which nothing like gratitude is due to the Company, was "acquired without prejudice to you, and that you would not have had more for his having had less." He is pleased to apply the same observation to this claim likewise, affecting to consider it as a question between him and the Mogul, or between him and the Nabob, in which you have no manner of interest or concern. This argument his Lordship very artfully presses, his advocates every where make great use of it, and it seems to have made impressions in his favour on the minds of disinterested people unacquainted with this subject. But this argument will not, I trust, have much weight with you, if you are satisfied by what has been said, that it ought to have been yours, if it is not; that it was his Lordship's duty to have retained or procured it for you, and that it was not merely a neglect, but a violation of that duty to employ the influence you gave him to procure it for himself. You will recollect too, that, supposing his Lordship's claim invalid, you have still the same power to appropriate this rent to your own use, and

and the same influence to procure every body's consent that may be thought necessary, whenever you please. Nor is this all; it is certain, as certain as any thing that has not happened can be, that, had his Lordship only neglected his duty in this instance, without putting it out of the power of those who came after him to repair that neglect, this revenue would long ere now have been yours. It is not to be doubted; but that the payment of it to the Soubah, had it continued to the revolution in 1760, would have continued no longer. Those who brought about that revolution, who found it necessary to add other lands of much greater value to the Company's possessions, would have required for these, as they did for those, an absolute independence of the country government, and would have carried the full produce of the whole to the Company's account, conformably, as we have seen, to what had been done in the like case in the Carnatick, and in the Deckan. You will judge then, with what truth you have been told, that his Lordship and rent; or, as my Lord somewhere in his letter calls it, his estate in the East-Indies, was "made over to him, no prejudice resulting to the Company—and only this difference, that you are to pay the quit-rents to him instead of the Government: a clear profit to this nation of 30,000*l.* a year." It is strange his Lordship should so far mistake the nature of his claim, as to see it in this light; but there are passions in the human breast that pervert the understanding; unfortunately they grow with indulgence, and admit of no satiety.

If you have still a doubt of the opinion you ought to entertain of this transaction, change but the scene, and suppose it to have happened nearer home. Suppose any of those gallant officers, who during the late war, without disparagement to the noble Lord, contributed as much to support and extend the honour and terror of the English name in other parts of the globe, as the noble Lord was doing in Asia, had employed the influence, which their commands, their successes in those commands, and, if you will, their personal merit in obtaining those successes had given

them, to the acquisition of a territorial dominion in the countries they had conquered to their private use. Suppose, if you will, they had only accepted such a dominion from friends or foes against his Majesty's inclination, or even without his permission, what would have been thought, and what would have been said of those officers? Does then the physical difference of climates introduce a different set of rules for the conduct of an officer in Asia, in the service of a Company, to whom the King's favour has in this, and many other instances, delegated his sovereign rights?

Before we dismiss this question, let us once more recollect the instances we have before given of acquisitions for the Company by others of its servants. We have seen that they have judged differently for the Company; let us now see, whether there is any resemblance in their conduct to that of the noble Lord, in their manner of judging for themselves.

Can it be doubted (I am sure it will not by those who know the parties and their history) but that the services rendered to Mahomet Ally Khan, the Nabob of the Carnatick, by General Lawrence were as important as those of the noble Lord to Meer Jaffier, his influence with him as great, his pretensions to a jaghire as good, and the means of obtaining it as easy? Yet such has been the continence, such the virtue of that brave old soldier, whose abilities have been so long employed to your advantage in the council and in the field, whose penetration first discovered the noble Lord's military merit, whose protection encouraged it, and whose example taught him to conquer, that, after a long life worn out in your service, almost as poor as when he first entered it, when, instead of accepting or soliciting jaghires, he was lately importuned by the Nabob to accept some proof of his gratitude; he paid into the Company's treasury the present that was sent him (a lack of rupees, 12,500l.) the moment he received it, and refused to apply a single rupee to his own use, till the transaction had been communicated to your Court of Directors, and the ships of the last year carried him out their permission.

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Can it be doubted, but that, when Col. Ford, after driving the French out of the Deckan, was restoring to Salabatjing the four fine provinces, of which they had long dispossessed him, the Soubah would have consented to any division that might have been proposed to him, of the produce of the lands he was to give up to the Company? Yet that worthy officer has no Jaghire, and you have the whole revenue.

Can it be doubted, but that Meer Cossim was as much obliged to Mr. Vansittart, General Caillaud, and the rest of the select Committee, who raised him to the Soubahship, as Meer Jaffier had been to the noble Lord? Or, that, if it had been proposed to him, he would have reserved the Lordship and rents of the lands agreed by the treaty to be given up to the Company, and afterwards would at any time have granted that Lordship and those rents to his benefactors in any manner they chose? — Yet, you have the whole property and produce of the lands, and none of those gentlemen have Jaghires. Nor must it here be forgot, that when the new Soubah was preparing to follow the example of his predecessor, and shower down his favours upon those, who by their rank and abilities had been instrumental in his promotion, suitable, as the noble Lord expresses it, “to the rank and dignity of a great Prince,” Those gentlemen have the merit of refusing no less than 20 lack of rupees, 250,000*l.* and to this hour have received no fruits of his gratitude, or of his bounty.

If no instances of the kind we are seeking, are to be found among your own servants, let us employ another page in enquiring into those of your rivals.

The Dutch are too sober, too provident, and too wise, to give us any hope of finding examples of this sort among them. The severity of their constitution allows no body to reward their servants, but themselves; with them every present which gratitude or bounty produces, be it large or small, is carried to the Company's account.

The French have the same rules, but are less strict in the observance of them; and among them the noble Lord supposes he has found a precedent in the conduct

of Mr. Dupleix. " Mr. Dupleix (says he) the Commander in chief of the French forces in India, obtained a title of honour inferior to mine, and had several Jaghires given him by the Nabob of the Deckan in lands ceded to the French Company, which he enjoyed for several years after he returned to Europe, and until the lands, upon which the Jaghires were granted, were taken from the French."

This, if it be one, is not perhaps the only circumstance, in which the attentive observer will discover a resemblance in the conduct of that extraordinary personage, and of the noble Lord. Mr. Dupleix had great merit with the Company he served, had rendered it great and substantial services; but at length he ruined it. "*Les interets*, says he, in a memorial he presented to the Company on his return from India, "*les interets de la Compagnie que je sers, & la gloire de ma nation ont été les guides & la mobile de toutes mes operations, &c.*" Words, that cannot be better translated, than in those of the noble Lord, when he declares, "The honour of my country, and the interest of the Company, were the principles that governed all my actions." Mr. Dupleix thought his services not sufficiently rewarded, he complained of injustice from the directors, he formed a claim on the Company, he commenced a law-suit to support it, he was not so well advised as to drop that suit, and try to carry his point by other means, he persisted, he miscarried, and is lately dead a beggar. In which of those circumstances the resemblance will hold, I presume not to determine, except that it will not hold in the last. Whether Mr. Dupleix ever enjoyed a Jaghire, I know not. That, after he had adorned himself with Indian titles, and Indian honours, Omra Nabob of the Carnatic, joint Soubah of the Deckan, &c. he conceived at length an affection for an Indian estate, is certain. What were the sentiments of the French Company on that subject, how contrary to his duty and to their constitution, they thought it, may be seen in their memoir. † They actually claimed and insisted on his carrying

† Memoir pour la Compagnie des Indes, contre le Sieur Dupleix, page 49.

carrying the whole produce of that estate to their account, notwithstanding an ingenious device of his to elude it*.

What Mr. Dupleix himself thought of his duty in that respect some time before, you will collect from what follows. The first of the pieces justificatives, annexed to his Memoir, gives us the form of a perwanna or grant from Chundasaib of several villages in the neighbourhood of Pondicherry to this effect: " Mr. Dupleix, governor of Pondicherry, " having acquired, by his bravery and the essential " services he has rendered, the good-will of my " Master Hametcha Padcha; for these reasons, to " acknowledge the aforesaid services, and to reward " his merit, I think myself obliged to give him " Villenour, with its dependent Aldees (villages) &c. " this donation to be enjoyed in perpetuity by him " and his descendants from generation to generation, " on condition that he does not forget the benefit " received, but returns thanks to his benefactor, &c.†"

'Tis difficult to conceive any form of words, that can more strongly convey the idea of an intention in the donor to confer a personal favour on Mr. Dupleix, the reward of his personal merit, and to be enjoyed by him and his descendants to their own private benefit; yet so far was he then from fancying that he had a right to understand it so, that he and his council set themselves to consider the advantages of this acquisition to the Company, and judging it advantageous, declare their acceptance on the Company's behalf. In the 48th page of his Memoir you will find a letter of his to the Company, in which speaking of another cession of this sort, of Bahour, &c. he uses these remarkable words: " All these Aldees are given in " my name. It is the custom of the country always " to use the name of the commander; but I make " no other use of this custom, than to deposit in

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* Memoire pour la Compagnie des Indes, contre le Sieur Dupleix, p. 195, 196.

† Memoire pour le Sieur Dupleix, contre la Compagnie des Indes.

“ your archives titles equally honourable and profitable, of which it is just the Company should have the whole benefit.” Pursuant to this declaration, you will find among the pieces justificatives, No. 6, an account of the Company’s acquisitions from the princes of the country, containing both these cessions of Willenour and Bahour, with an acknowledgement under the hand of the Company’s Cashier, that the whole produce of both had been carried to the Company’s account.

So much for Mr. Duplex. — And having now offered you my reasons for the opinion I entertain on this first head of our enquiry, I shall close it here, and leave those reasons to your consideration.

We are next to consider the validity of the noble Lord’s Claim; — and here, if you should feel yourselves convinced, that this Claim is founded in a neglect and violation of duty, an undue preference of any other interests to those, which he was entrusted and bound by every tie to defend and promote, it will be affronting the justice and the laws of your country to suppose for a moment, that such a Claim can be supported. Those laws, thanks to the wisdom of our ancestors by whom they were planned, and the integrity of our cotemporaries by whom they are administered, cannot be rendered subservient to any interests but those of justice.

It would be a waste of your time and mine, to enter into minute objections in a case which abounds with solid ones. Those which the letter-writer states, and sets himself to answer, are in general misconceived or misapplied, with a view to the answer; nor can one blame the prudence of choosing, when the objections or enemies one is to combat are at one’s own disposal, to arrange them so as to secure a victory: Yet in this mock kind of warfare one is sometimes deceived, from a mistaken opinion of our adversary’s weakness or of our own strength. This, or I much mistake, is the case with the answers to some of the objections, even as they are stated in the letter.

One observation (and perhaps it were unnecessary to make another) will suffice to explain those objections,

tions, and to lay aside the only answer attempted to be given them, that merits your attention. It will at the same time vindicate your directors of the last year from the seeming inconsistency, in the supposed detection of which his Lordship argues so triumphantly.

You are to know then, what his Lordship very well knew, that these objections were applied by those who made them to a very different case. Upon another occasion, and in another place his Lordship had given, I presume, very different instructions from those which guided the pen he condescended to use in preparing this letter; at least it is certain that his Claim, as it was then stated and attempted to be made out, was a very different thing from that which is insisted on in this letter: And it was that Claim so stated those objections were with no less force than propriety calculated to meet.

The noble Lord, or the grave and learned penmen he then employed, thought it necessary, in order to give a colour to the Claim, to have recourse to the constitution of the Mogul Empire, and to make out his title, as well as they could, upon the principles, and agreeable to the forms of that constitution. Your directors, ready to meet the Claim in any form that could be given it, followed the noble Lord's lead, stated the Mogul constitution, which had been made the ground-work of his Claim, more fully and more accurately, pointed out such insurmountable objections, and such irreconcilable inconsistencies, as evinced beyond a doubt the Claim could not be supported upon any ideas drawn from that constitution.

It is in this way, and upon the clear principles of the Mogul constitution, your directors insisted, and insisted truly, " that the Nabob could not alienate
" the imperial rents—that the Company may be cal-
" led to an account by the Emperor for what has
" been already paid the noble Lord, and that he is
" therefore accountable to them for what he has al-
" ready received—that at most the Nabob's alienation
" could exist no longer than his own government,
" and was not binding on his successor—that his

“ Lordship’s acceptance of the dignity of an Omrah
 “ was contrary to his duty to the Company, as it
 “ might oblige him to assist the Mogul and the Nabob
 “ in war even against the Company—and that if that
 “ constitution gives the right, it gives the remedy.”
 These positions could not be denied, nor their effect
 eluded, in any other way than by abandoning the
 Mogul constitution, the ground his Lordship himself
 had chosen.

In this letter therefore the claim starts up in another shape. *Quo teneam vultus mutantem Protea nodo?*
 You are told, your late directors have acted unfairly
 by his Lordship, and inconsistently with themselves
 in urging objections arising from the Mogul constitution:
 And for this a passage is cited from their memorial to his Majesty, in which they appear to
 have adopted the ideas his Lordship expresses in this
 letter of the present state of that empire; the noble
 Lord forgetting all this while, or at least suppressing
 from you, that in talking of, and arguing from that
 constitution, your directors had been only conforming
 to his example; and if they went out of their
 way, it was to follow him.

You are now told the constitution of the Mogul
 Empire exists no longer, that “ it may be said there
 “ is such a prince (as the Mogul) but he is almost
 “ without territory or power, the little he possesses
 “ not being equal in extent or riches to one twentieth
 “ part of his dominions, and therefore unable to enforce
 “ force in the provinces any authority that might
 “ have formerly belonged to him, and he is now so
 “ far reduced as to be a captive to, and in the hands
 “ of one of the Soubahs.” Hence it is argued, that,
 however the case might be if the original constitution
 existed, it is improbable the Mogul should ever recover
 the antient dominion of his Empire; and if he
 should, yet “ the annual tribute stipulated to be
 “ paid by the Nabob on his confirmation” comprized
 the rent in question, and the Mogul ought not to be
 paid both. This last argument is pleasant; for to
 make any use of it you are to understand, that, not
 having a right to both, he is to be paid neither: the
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noble Lord very well knew, that the annual tribute stipulated to be paid by the Nabob on his confirmation, had not been paid, any more than the treasures of Suraja Dowla have been remitted to Delhi, which was another stipulation on the Nabob's confirmation, the performance of which his Lordship by his letters frequently encouraged the Vizier &c. to expect. Why the last mentioned stipulation was not performed, you will guess, if you recollect in what manner, to what purposes, and how soon after his accession Meer Jaffier had been prevailed on to assume "the rank and dignity of a great prince."

However the difficulty of the Mogul's recovering "the dominion of large and powerful provinces which have long shaken off his authority" is now insisted on: and the circumstances upon which the noble Lord thinks proper now to rest the validity of his title are these, "that the patent passed all the usual forms of the country, and was founded on the very same authority, that the Company had for all their acquisitions, the power of a Soubah." "The Nabobs do now (we are told in another place) and have for many years exercised all those sovereign rights, regarding the lands, and revenues of the provinces, which the Mogul Emperor ever had. It is under the authority of the Nabob the Company now hold their Zemindary in the lands subject to my Jaghire; it is under the same authority they now hold, by treaty with the Nabob Cossim Khan, large districts of country producing near 600,000l. a year to them, without paying any rent at all." Hence it is argued, that if Meer Jaffier's grant of the Jaghire to the noble Lord is invalid and ineffectual, so likewise is his grant, and that of Cossim Khan to you.

If those grants were your title, if there were no objection to his Lordship's title arising from his relation and duty to you, if the single question between you turned on the power of the grantor (neither of which is the case) this argument would be material, and the conclusion would be fair,

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But the clear and plain answer to the argument (short as it is of the purpose for which it was adduced) is that the material fact, on which the whole is built, is mistaken. It is not true, we have seen that it is not true, that your acquisitions are founded in the power of the Soubah. You hold not by so weak a title. If you had no better than could be given you by any of those Soubahs who since the days of Aurengzebe according to his Lordship, have been withdrawing their allegiance from their master, and usurping his sovereign rights, a title so derived must participate of the usurpation on which it was founded, and be liable to the same objections of illegality and injustice. This is putting the argument in the best light it will bear; for it is supposing the cessions to have been made you by some of the predecessors of Meer Jaffier, who supported themselves by their own strength, affected independence of the Mogul, and were certainly independent of you. But to represent your title to acquisitions made in the days of Meer Jaffier or Meer Cossim as founded on the authority or power of the Soubah, is an insult on your understandings of so gross a kind, as can serve only to show to what wretched shifts men reduce themselves, who labour to support a Claim so devoid of every real foundation.

Under God and his Majesty, you hold only of yourselves, by your own power, acquired by your own force, by which alone those Soubahs acquired, and by which alone they likewise held, their governments. In a country like that, where, according to the noble Lord, the constitution is lost in anarchy and confusion, where no rights are acknowledged, nor any laws submitted to but those of the sword; it is idle to talk of any other title.

Tho' in point of form therefore these acquisitions were ceded to you by Meer Jaffier, and by Meer Cossim; a form very properly and prudently adhered to, for reasons that ought not, perhaps need not, be more particularly explained; it is ridiculous to consider those cessions as having any effective operation, or those acquisitions as founded in any other title

title than that of conquest, the lawful fruits of a just and successful war. It was not by parchments, but by the sword you acquired this title; it is by the sword, and not by the parchments, you are to maintain it.

What the noble Lord says of the cession made to you by Meer Cossim, is certainly true as applied to the cession made to him by Meer Jaffier; that it is "as much a consequence of the battle of Plassey, as the advantages which were gained immediately after that victory." The question then is fairly reduced to this, whether an acquisition obtained under the influence (directly or indirectly it matters not) of a force acting under your orders, and raised and maintained at your expence, is to be applied to his Lordship's private benefit or to your own. And as it is impossible there can be two opinions on this question, I might here close the second head of our enquiry.

But lest the noble Lord should in it's turn abandon the claim insisted on by his letter, and revive his pretensions under the Mogul constitution; and (whether he does so or no) to give you a further specimen of the truth and candour of the arguments that have been used upon this occasion, I will trespass a minute longer on your patience, and take some notice of the answer attempted to be given to the objections before mentioned, to be drawn from that constitution. You will remember therefore, that this proceeds on a supposition of the constitution being still in its full vigour. That the Nabob has no right to alienate the imperial rents, is a proposition proved by the very terms of it. The Emperor, and the Emperor only, can divest himself of his own property. To suppose a concurrent power in the Nabob, is to suppose the latter independant; and then, as each may happen to grant the same thing to different persons, the supposition involves the absurdity of two co-existing absolute rights in different persons, in one and the same subject.

That the Company may be called to an account by the Emperor for what has been already paid his Lordship, and that he is therefore accountable to them for
what

what he has already received, is but a conclusion from the former position; for if they are the Emperor's rents, he has a right to demand them, and it can surely be no answer to that demand to say, you have paid them to somebody else, under colour of an alienation from one who had no right to make it. To meet this conclusion, his Lordship insists, that the whole yearly sum payable to the Emperor being made up by the Nabob, that is all he expects; and it is immaterial to him, what the Nabob does with the rents, or the lands which produce them, which the Nabob therefore may dispose of as he thinks fit, and out of them confer favours on whom he pleases. This Argument, you see, supposes that the whole yearly sum will be regularly paid by the Nabob: not to mention how those payments have in fact been made, what reason can be given why it should be required of you to pay this money to any nominee of the Nabob's, in which you could be safe no longer than while the Nabob was punctual in his payments, and thus take upon yourselves the risque of his becoming thro' dishonesty unwilling, or thro' dissipation unable to pay the Mogul what he had a right to demand, and what, if not paid otherwise, he would certainly demand of you.

But taking his Lordship's answer to this objection to have more colour than it has; supposing, for the sake of the argument, you might rely on the Nabob's care to indemnify you, by his punctuality with the Mogul against any ill consequences of your accommodating your payments to his (the Nabob's) pleasure in favour of his nominee; From this very answer arises the next objection; which is, that at most the Nabob's alienation could exist no longer than his own government, and was not binding on his Successor; for could it be seriously expected in any period of the Mogul government, that any Nabob should have so much regard for his predecessor's favourites, as to make himself accountable to his master for what they and not he, received. It is no answer to this to say that "there are numbers of Jaghires in the province of Bengal, granted by former Nabobs, still subsisting;"

“ing;” which only proves, that the constitution that forbad it is not subsisting. The insinuation that Meer Jaffier was deposed to introduce this objection, will not be thought to require a serious answer. To the full as extraordinary (not to remark the inconsistency) is his Lordship’s doubt, whether Meer Jaffier was really deposed or no. ’Tis certain (and the form of the stipulation between Meer Cossim and the Company, to which his Lordship refers, proves it) that it was not at first intended to do more than make Meer Cossim regent, and leave the Soubahship nominally with Jaffier; yet his Lordship, and all who know that transaction, know that Jaffier himself disapproving this, and being induced by his fears to wish himself safe under the Company’s protection at Calcutta, he quitted the Munsib, Cossim ascended it in form, and became nominally as well as really Soubah. His Lordship here affects to suppose, your Directors intended “to retain his Jaghire for the benefit of the Mogul, to the prejudice of him, and of their country.” To ease his Lordship of that Apprehension, there seems very little reason to doubt, that if his Lordship’s pretensions had not obstructed, your Directors would, as was their duty, have taken the proper measures to secure it for you, who have the best title to it, conformably to the policy of your wisest and honestest servants in similar cases.

By the Mogul constitution the being an Omrah was an indispensable qualification, without which no man could have a Jaghire. To make out his title under that constitution, his Lordship had stated himself to be possessed of that dignity under a supposed creation in the year 1757; and he claimed, it seems, a Jaghire as sort of incident to it.

“To support that dignity (says he) the Soubah, according to the custom of the country, assigns a Jaghire or estate within his own province.” His Lordship very well knew, that in the present state of things no such consequence follows that dignity: he knows many Omrahs without Jaghires: Mr. Watts and Col. Coote are both: if I mistake not, of that number.

His

His Lordship affects to be surprized, that your Directors should presume to doubt his having had the honour of an Omrah conferred on him, having (as he says) "a copy of his patent in their custody." Whether they had a copy of what he calls his patent in their custody, I know not; but I am informed, and have every reason to believe my information true, that there are certain books usually transmitted from each of your settlements, which contain, or ought to contain, copies of all the letters that pass between your Presidents and the people of the country; and that your Directors had, and still have in their custody, one of those books delivered by the noble Lord, containing copies of various letters to his Lordship from the Court of Delhi, from the Emperor, the Vizier, and the Buxey (the two principal officers of state) subsequent to the supposed date of his patent, none of which either style him an Omrah, or make the least mention of his having any such title conferred on him; a silence in his Lordship's own judgment so inconsistent with the idea of his being really an Omrah, that in a letter from the noble Lord to the Vizier, in the same collection, dated Sept. 19, 1758, are these words: "Observing you have not directed your letter to me with the title the world says I have given me, I am at a loss to know whether it is genuine or not; because (therefore, I suppose his Lordship means) I cannot write to the King to return him thanks for his favour "till I am certain." The book, I am told, furnishes no answer to the doubt which the Vizier is thus desired to solve. Unluckily his Lordship has mislaid one of these books, containing a month or two's letters: when called for by your Directors, it is said, it could not be found. By this unlucky accident, our curiosity to know more of this correspondence cannot be gratified: and neither you nor I can possibly guess, what that book would have appeared to contain if it had not been lost. After this perhaps it will not surprize you, though it surprized my Lord, that your Directors should adopt his own doubt of the authenticity of his patent.

But

But supposing my Lord's patents for the Omrahship and for the Jaghire, both genuine, it seems to have given his Lordship offence, that your Directors should object to his acceptance of those patents, as contrary to his duty to the Company, since it might thereby become his duty to assist the Mogul and the Nabob in war, even against the Company. This objection his Lordship treats as very ridiculous. "The titles of honour used in Europe, says his Lordship, are unknown to the Indians." I know not what truth or relation to the purpose there may be in that observation; but surely his Lordship depends a good deal on the European ignorance of Indian titles, when he tells us that that of an Omrah is "a meer compliment which does not lay any obligation on the part of the person receiving such honour, to render the Mogul any services whatsoever. I am sorry he has this notion of the titles of any country. To an European ear the title itself seems to import a designation of the service to be performed. "I was created, says his Lordship, an Omrah of the command of 5000 foot, and the rank of 6000 horse. Let us hear Mr. Dupleix's notions of this matter, who, as my Lord observes, had one of these titles. In a letter of the 7th of Oct. 1742, he thus explains them: "The title of Azary is in this country a title of great honour. It is likewise called Munfabdar and Omrah. Dukes, Counts, and Marquisses are here unknown. The great are only distinguished by the number of Azary. Azary means a thousand. Thus when we say such a one is 2, 3, 4, 5, 6, or 7 Azary, it means that he has the command of so many thousand horse. The Mogul's son is the only person that has ten. It is the most eminent quality one can arrive at in this empire. The people of the country regard it as something very considerable. He who has it has the title of Nabob, and is considered as such. He marches with the same marks of honour, &c." Then he goes on to describe the flags, drums, trumpets, hautboys, elephants, &c. with which the noble Lord has a right to be accompanied, and he concludes thus: "*Les plus grands avantages de ces titres sont les revenus qui sont bien* con-

considerables. *Il ne convient pas de les demander de qu'il l'on seroit obligé de fournir son contingent en Cavaliers lors qu'on seroit requis.*" I give the French because there is a pleasantry not to be translated in the Frenchman's expression of the melancholy reflection, which obliged him to abstain from those tempting revenues, which his title he supposes authorized him to demand. It means in substance this: "The greatest advantages of these titles are the revenues, which are very considerable; but it is not quite prudent to demand them, since one shall then be obliged to furnish one's contingent in horse, whensoever it is required †." Lest this should not be sufficient let us hear what my Lord's ingenious friend, Mr. Scrafton, thinks upon this subject. Speaking of the Jaghire in question, "It was given him (says that able writer) as a revenue to support the dignity of an Omrah of the empire, for which he is supposed to maintain 6000 men, and is in the country language called a Jaghire, which is not unlike the lands formerly held in England by Knight's service*." Other writers (his Lordship knows who) define a Jaghire to be "a provision for the great officers of state and Omrahs, for which they pay no rent but perform military services; being granted to them to support their dignity, and provide forces when called upon by the Emperor." After all, the noble Lord is not to imagine that the Directors meant to have it understood, that they had any serious apprehension of having the strength of his arm to contend with in India. They thought however that a title, which made this his duty, was unfit for his acceptance, and incompatible with his relation to you.

His Lordship likewise thinks it hard that he should be referred for his remedy to the Mayor's Court of Calcutta, the Judges of which, he says, are dependents on the Company, or to the Courts of the Emperor or Nabob, whose mandate or process (he says) cannot be enforced against the Company. What would have been the proper remedy if there were a right,

† *Memoire pour la Compagnie des Indes contre le Sieur Duple* x, p. 29.

* Mr. Scrafton's Book, p. 125.

right, since there is none, we need not give ourselves much trouble to enquire.

I have been told however, by persons long resident in India, that the Mayor's Courts in your several settlements are, what they certainly ought to be, as independent of the Company as any court in Westminster-Hall of the crown. The President and Council indeed (to whom an appeal lies) ought to be dependent on the Company. A majority of them have sometimes thought otherwise: but if the correction properly applied to their disobedience of the Company's just orders should produce the contrary extreme, a disposition to obey an unjust order, and such should be sent them, his Lordship forgets that he has still an appeal to the King in council, where their injustice would certainly be redressed.

As to the courts of Hindostan, if that constitution were subsisting, those courts are certainly the most competent judges of their own laws. To those courts therefore your directors did properly refer him for the discussion of a claim pretended to be founded on that constitution. If that empire be (as the noble Lord now represents it, and I believe truly) resolved into anarchy, in which private force has confounded public order, your own the prevailing power, your Directors thought it neither just nor prudent to let an individual servant, without your consent, and in direct opposition to your interests, lay his hand on any part of the plunder which had been conquered at your charge, especially on such a part as places you in subjection where, in their judgment, you ought most to wish for independence.

I must not dismiss the subject without taking notice of another circumstance which my Lord thinks a material ingredient in his title, and that is, the supposed acquiescence of your Court of Directors, and, indeed, their confirmation, as he supposes, by actual and repeated payments to him of the revenue in question.

" I must acquaint the Proprietors (says he) that the
 " rents of my Jaghire were regularly paid me during
 " the time I was in Bengal; and since my return
 " home, have been received by my attornies in Ben-

gal, and remitted to me as the ships sailed from
 " thence in bills on the Company here, which were
 " always regularly paid without objection until May
 " last, when on the ships going out for Bengal, which
 " were the first that went out after the election on
 " that voyage, I was given to understand that or-
 " ders had been sent to stop the payment of my Jag-
 " hire." In another place we are told, "The first
 " step my opponents took after the election, was to
 " order their servants abroad to stop the rents of my
 " estate in the East-Indies, which they themselves
 " had regularly paid me for several years without ob-
 " jection. Their motives for taking such a step, at
 " such a time, are too obvious to be insisted on."
 The "dishonourable motives" of the court of Direc-
 tors are in many other places insisted on, and in one
 place we are told, "The Company having paid my
 " jaghire so long without any objection, &c. one
 " might be at a loss to conceive what foundation in
 " reason there could be for the Directors sending such
 " orders to Bengal."

What foundation in reason there was for sending
 such orders we have already seen. Perhaps you will
 not think that any objections founded in reason to the
 sending such orders can be drawn from the payments
 thus represented as payments by the Company, and
 to the noble Lord, when you are told that those
 payments were at first made by Lord Clive the presi-
 dent of your council at Bengal, to Lord Clive the
 Omrah, and the Jaghiredar; and since to Mr. Van-
 sittart the agent of that Omrah and Jaghiredar by Mr.
 Vansittart the President of your Council. As to the
 bills by which this money was remitted to England,
 drawn on the Company by their proper officer abroad,
 and paid by them without objection, it would be im-
 pertinent in me to be telling you that bills of ex-
 change do not particularize the nature of the confide-
 ration, and consequently it would be a ridiculous ob-
 jection to the payment of the bills for the Company,
 to say, the money which you paid into our treasury
 for those bills was not your own.

Such

Such arguments as these you will probably think do not deserve an answer: but I have too much respect for the noble Lord who condescends to use them to pass over in silence any thing he thinks proper to say.

That respect must be my apology for detaining you by a word or two more on the subject of those orders, which his Lordship chuses to refer to a single Director, though he well knew they were signed by twenty. Those orders, his Lordship chuses to suppose, proceeded from resentment of his conduct at a former election, and were meant by those who gave them to deprive him of what they knew to be his property. With what propriety the subject-matter of the orders is called his property we have considered. The letter he cites of Mr. Sullivan to Mr. Vansittart imports, that "had it not been for him (Mr. Sullivan) the measure" would have taken place years ago." It was, then, in the opinion of the directors of former years a proper measure: Mr. Sullivan's reasons for employing his influence to suspend it, he told you himself at a general court, and they appeared to have a reasonable foundation in justice and attention to your interests. But to put the worst construction on his conduct, let us suppose his former opposition to the measure arose merely from his private friendship to my Lord, and that, the late election having abated the cordiality of that friendship, he opposed it no longer; his opposition to a proper measure from such a motive would have been matter of just imputation from you, or from me, but surely it would have been no impeachment of his Lordship's gratitude if he had left you or me to make it. In the last paragraph of that letter which has been invidiously wrested to another sense, it is not easy to discover any thing more than the letter-writer's friendship and affection to his correspondent, whose double relation to his Lordship and to the Company could not fail to embarrass him on the receipt of these orders: in that delicate situation it is recommended to him with equal friendship and prudence to follow the strict line of the orders that should be sent him. If that gentleman, the single director, as my Lord's friends affect

to call him, if that gentleman's attachment to your interests would have given way to his supposed love of power, if he would have given himself leave to preserve that power at your expence, many of you know, 'tis fit all of you should know, that you and I might have spared ourselves the trouble we are giving each other at this inoment: upon those terms he might have been spared a great deal of trouble, to which he has lately exposed himself.

Let us return from this digression — and here we close our second head, having submitted to your consideration such reasons as seem to warrant this conclusion, that whichever alternative my Lord will finally abide by, whether he chuses to suppose the Mogul constitution broken up and destroyed or still subsisting, either way his claim is equally invalid, and can neither be maintained on the principles of that constitution, nor on those of this or any country, in which the duties and rights arising from the relation of a servant to his master, or an officer to the prince, state, or Company that employs him, have been at all recognized and understood.

The last consideration, which I proposed to trouble you with, was the probable consequence of affirming his claim in the manner it has been made: and though this consequence results strongly from what has been said, I think it important enough to present it as a distinct article to your consideration.

Let not your ideas of the noble Lord's merit (for that he has merit, I never meant, it would be unjust to deny) influence you to give gratuitously what in point of justice there is clearly no right to demand. The pernicious consequences to you will be beneficial to those who have not that merit, most likely be so to those who have no merit at all. So pernicious will those consequences be, that if, in your opinion, the present condition of Bengal renders it absolutely necessary you should give his Lordship the trouble of another voyage to India, and your own opulence or his dignity disposes you to desire this favour upon terms of great advantage to him, reward him up to the vainest ideas of his past services or most romantic expectation

tion of future; but let that not reward be your affirmance or acquiescence in a claim, which, if it has in any degree your sanction, may be fatal to the Company.

To affirm his title to the thing he claims, is to establish a principle, upon which every officer entrusted with the direction of your power in Hindostan will suppose himself authorized to employ that power in making private acquisitions of money or land for his own benefit. To set the mischief of this idea in the strongest light, imagine for a moment that you were now renters under your own servants, Mr. Vansittart, &c. of all the lands you possess in India at half their annual value. Who is absurd enough to endure that imagination? And yet there is as much reason for your becoming renters to those gentlemen in that manner as for remaining so to the noble Lord; unless the circumstance of his having done without your leave or privacy what they likewise might have done, but did not, gives him a preference. Through those gentlemen's stricter notions of their duty, you have escaped that danger; but does no danger remain?

You have a great force in India. Multitudes are continually crowding into your service. It is the object of all the destitute, the avaritious, and the ambitious. Is this then the hour to hold out encouragement not to promote your mercantile interests, nor even to plan conquests with a view to your emolument, but to foment such sort of war, and to wage it in such manner, and to such purposes, as will best serve to accumulate upon individuals riches unknown before in Europe? The mischief will not be confined to your military department; the civil will catch the contagion. If your soberest servants find themselves encouraged by any precedent, to turn off their attention to the acquisition, by force or intrigue, of an influence among the country powers, with a view to derive from thence a private benefit, the means of doing this are so open, the temptation so strong, that few will have the virtue to resist it. Few can resist the allurements of great fortunes to be obtained without industry and without merit. Few will persist in their destined drudgery in your service, with a prospect at the end of a long and laborious

laborious life of attaining scarce a hundredth part of the reward, which it is in their immediate power to seize; and while other "individuals" are "in consequence of their success acquiring large estates," They would learn to fear "what the world would say, should they come home and rest upon the generosity of the court of Directors." This country will then swarm with Omrahs. Hindostan will be parcelled out into Jaghires. Your trade will be neglected: your funds, until they are exhausted, will be employed in acquiring and defending titles, in which you have no interest. Great men, and little ones who will soon become great, the hungry dependents and instruments of power, will be thus provided for; and a new source of influence to be employed in the west will be (if it is not already) opened in the east. Such is your situation; and this the moment to determine, whether you will check this inordinate lust of gain, or indulge it. The fate of the Company depends on the resolution you take.

After all, perhaps, upon cooler consideration you will find the condition of your settlement is far from requiring this dangerous remedy. If Major Adams with a small force could defeat the Nabob at the head of a powerful and numerous army, surely the same officer reinforced, as he will soon be, might be trusted to pursue his victory over the broken remains of that army.

Perhaps I ought not to conclude without requesting your indulgence to the inaccuracies unavoidable in so hasty a composition. You would have been troubled with these sentiments much sooner, if the noble Lord had not told us at the general court, that it was not his intention to refer this question to your decision. The public intimation of his present intention in that respect is so recent, that it has hardly afforded time to throw them upon paper. The author flatters himself, you will find them such as became a man concerned for the honour and prosperity of the Company, and regardful of the relation this important branch of trade bears to the well-being of his country. If in expressing them the noble Lord should think his conduct

duct or his arguments treated with more freedom than they ought, his example must be my excuse. He will be pleased to recollect, who it was that first brought the question to the tribunal of the public, a question that on many accounts had been better reserved to a more private discussion. I have a better opinion of his Lordship's justice, than to suppose he would wish you to decide it without hearing all that can be said on both sides, not to mention that his letter expresses, in various parts of it, a desire to know what can be objected to a claim, which he thought so clear. It has been my aim to write with every degree of reserve, and respect for his real merit, that can consist with the opinion I entertain; that be that merit great as it may, it affords not an adequate pretension to the thing he demands. To grace himself with infinite commendation in every page of his letter was essential to his manner of arguing; "it was not a sally of ostentatious vanity," but really necessary to his Lordship's argument. To correct the excess of that argument, and to set in a fairer and fuller light on the subject was equally necessary to mine. The liberty his Lordship has taken in this and other publications with names, which in my judgment the Company has every reason to hold dear, has not provoked me to go further into that sort of discussion than my present subject required. In this I claim some merit with his Lordship: It intitles me to expect, that if on some future occasion a fuller understanding of those passages should be requisite, his Lordship with the greatness and liberality of a noble mind, will hold me excused in pursuing that discussion, disagreeable as it will be to me, a little further.

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